United Nations A/C.3/55/SR.28

General Assembly
Fifty-fifth session

Official Records

Distr.: General
10 November 2000

Original: English

Third Committee

Summary record of the 28th meeting
Held at Headquarters, New York, on Thursday, 19 October 2000, at 3 p.m.

Chairperson: Ms. Gittens-Joseph ..... (Trinidad and Tobago)

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00-70062 (E)

The meeting was called to order at 3.10 p.m.

Agenda item 107: Advancement of women (*continued*) (A/C.3/55/L.12 and L.15)

Draft resolution A/C.3/55/L.12: Traffic in women and girls

1. **The Chairperson** informed the Committee that draft resolution A/C.3/55/L.12 had no programme budget implications. Azerbaijan, the Bahamas, the Congo, Croatia, Ethiopia, the Gambia, Guatemala, Guinea, Hungary, Israel, Jamaica, Latvia, Liberia, the Libyan Arab Jamahiriya, Madagascar, Malaysia, Namibia, Norway, Paraguay, the Republic of Korea, Romania, Rwanda, Swaziland, Togo, Uganda, the United Republic of Tanzania and Uzbekistan had become sponsors of the draft resolution.

2. **Ms. Newell** (Secretary of the Committee) drew attention to the oral corrections made at an earlier meeting by the main sponsor.

3. *Draft resolution A/C.3/55/L.12, as orally corrected, was adopted.*

4. **Mr. Kay** (United States of America), speaking in explanation of position after the adoption of the draft resolution, said that trafficking in women and children was a serious problem but his delegation, for several reasons, had not joined the sponsors. First, the use of the expression "women and girls" throughout the resolution excluded boys and young men, who were often the victims of trafficking. Second, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict was not mentioned in the first preambular paragraph. Third, paragraph 6 implied there was universal jurisdiction over traffickers, whereas the more commonly accepted principle was the territorial concept of jurisdiction. Lastly, while he was in favour of the programmes listed in paragraph 9, it was impossible under the system of government in the United States to commit state and local governments to such expenditures.

Draft resolution A/C.3/55/L.15: Convention on the Elimination of All Forms of Discrimination against Women

5. **The Chairperson** informed the Committee that draft resolution A/C.3/55/L.15 had no programme budget implications. Antigua and Barbuda, Azerbaijan, Barbados, Belarus, Burkina Faso, the Congo, the Dominican Republic, Ethiopia, Guyana, Israel, Malaysia, Paraguay, Peru, Poland, Rwanda, Saint Lucia, Senegal, Togo, Uganda and Uzbekistan had become sponsors of the draft resolution.

6. **Ms. Newell** (Secretary of the Committee) drew attention to the oral correction made by the main sponsor at an earlier meeting.

7. *Draft resolution A/C.3/55/L.15, as orally corrected, was adopted.*

8. **Mr. Vaswani** (Singapore), speaking in explanation of position after the adoption of the draft resolution, said that article 19 of the Vienna Convention on the Law of Treaties explicitly permitted reservations that were compatible with the object and purpose of the relevant treaty. In the same vein, article 28, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women only forbade reservations that were incompatible with its object and purpose. It was therefore inappropriate to insist that State parties should regularly review permissible reservations with a view to withdrawing them. The purpose of reservations was to allow as many countries as possible to become parties to international treaties at the earliest opportunity, and the apparent trend to discourage reservations would only make it more difficult for them to do so.

9. His comments should be taken to apply to all such references in draft resolutions to reservations.

10. **Mr. Kay** (United States of America) stressed that the only criterion for judging whether or not a reservation to a treaty was acceptable was that the reservation must be compatible with the object and purpose of the treaty.

11. **Mr. Naber** (Jordan) supported the statement by the representative of Singapore.

Agenda item 112: Elimination of racism and racial discrimination *(continued)* (A/55/18 and Add.1, 203, 266, 285, 304, 307 and 459)

Agenda item 113: Right of peoples to self-determination *(continued)* (A/55/176 and Add.1, and 334)

12. **Mr. Rogov** (Russian Federation) said it was appropriate that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance was to be held in South Africa, a country

that had become a symbol of the struggle for human dignity. As pointed out by the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/54/347), increasingly sophisticated and dangerous forms of racism were emerging, sometimes as an integral part of State policy. Public condemnation alone was not enough: a broader approach was needed that also targeted national extremism and discrimination against minorities. He supported the Special Rapporteur's call for greater efforts to raise public awareness. Dialogue was the key to improving mutual understanding between peoples and combating hatred and ethno-cultural fragmentation.

13. Efforts at the regional level to combat racism were important. He called on the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe and the United Nations High Commissioner for Human Rights to react vigorously to the unacceptable situation in Latvia and Estonia where people had no right to use their mother tongue and were deprived of citizenship because of their ethnicity and where those combating Nazism were thrown into jail. At the forthcoming European Ministerial Conference on Human Rights, to be held in Rome, his Government intended to sign Protocol No. 12 to the European Convention on Human Rights, which he expected to become a key part of the European human rights system.

14. The right of peoples to self-determination must be interpreted as being inseparable from other principles of international law, and not as permission or encouragement to violate fully or partially the territorial integrity of sovereign independent States. As the Foreign Minister of the Russian Federation had stressed at the Millennium Summit, the concepts of sovereignty and territorial integrity were not obsolete. The basis of world order was undermined by military intervention, even on humanitarian grounds, that bypassed the Security Council. The main challenge facing the international community was to curb the threat of violent separatists, including terrorists. Self-determination was only possible within a democratic process where individuals were free to decide on their own future and that of their country, as was the case in the Russian Federation.

15. **Mr. Heyward** (Australia) said that his Government fully supported the objectives outlined in General Assembly resolution 52/111 for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, particularly with regard to action-oriented measures aimed at combating racism. He welcomed the statement by the High Commissioner for Human Rights at the Millennium Summit which presented a vision of a world in which diversity of race and culture was not a limiting factor in human exchange and development, but a means to mutual enrichment.

16. That vision echoed his Government's approach at home, with its policy of protecting the right of all Australians to express their cultural heritage within an overriding commitment to the basic values of Australian society. As the Australian Minister for Multicultural Affairs had put it, what united Australia's culturally diverse society was not necessarily a common birthplace but a common commitment to shared national values. The Government was committed to confronting the ongoing social and economic disadvantage faced by many indigenous people in Australia through practical programmes to improve their health, housing, employment and education opportunities, so as to ensure that indigenous Australians could fully participate in civil and political life. Its commitment to reconciliation between indigenous and other Australians was an integral part of its commitment to a fairer Australian society.

17. Australia was not completely immune to intolerance and prejudice based on race and culture, but the great majority of Australians found such attitudes offensive and contrary to their tradition of tolerance and harmonious coexistence with newer arrivals. The centrepiece of the Government's "Living in Harmony" programme was the funding it provided for projects which promoted community harmony, reduced bigotry and further raised cross-cultural awareness and tolerance. That sort of partnership approach was also necessary at the regional and global levels and was reflected in the High Commissioner's statement, which envisioned a world in which the exercise of individual gifts and personal rights was affirmed by the dynamic solidarity of the human family.

18. The themes for the provisional agenda of the World Conference provided a solid basis for seeking forward-looking and constructive outcomes, but a focus on compensatory measures in the fourth theme would be unlikely to yield such outcomes and would not be conducive to agreement on the agenda for

cultural change envisioned in the High Commissioner's statement. Rather, the main focus should be on prevention, education and protection and on strategies to achieve full and effective equality.

19. With a view to formulating a practical programme of action, the High Commissioner had made inclusiveness a key theme of her approach to the World Conference. Unfortunately, the Asian Group had decided to organize the Tehran regional preparatory meeting in such a way as to exclude Australia and New Zealand from full participation. That situation was not only anomalous, but was also inconsistent with previous practice. Australia was a successful multicultural society, as showcased in the recent Sydney Olympic Games, and should be accorded the same rights of participation in preparations for the World Conference as all other Member States.

20. **Ms. El Hajaji** (Libyan Arab Jamahiriya) said that, while the past century had seen the end of apartheid in South Africa, it had also witnessed genocide on an unprecedented scale; ethnic cleansing carried out in formerly harmonious communities; the ferocious growth of globalization; an upsurge in racism and racial discrimination and an increase in legislation detrimental to migrants and refugees. A further contradiction was that, while many States and economies had formed blocs, and the capital of multi-national corporations equalled that of a number of rich countries, many other States were experiencing separatist movements, unrest among minorities, or were splitting up into different regional entities after conflicts that had cost thousands of lives.

21. The colonialist Powers had claimed that their aim was to develop Africa, but they had, on the contrary, done much to destroy the countries of that continent, while exploiting its resources to enrich themselves. Africans were rejected and even killed in the very countries which their suffering had so greatly benefited. The colonialist legacy was responsible for many of Africa's present ills, while Africans were the butt of every form of racism and racial discrimination.

22. The spread of racist and xenophobic ideas had been greatly facilitated by the Internet and modern technology, which it had been hoped would be used for worthier purposes. There was therefore a need for increased international cooperation in that field.

23. Compensation for the victims of racial discrimination and the punishment of the guilty were matters of the greatest interest to her country. She therefore looked forward to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held in South Africa in 2001, and hoped that consensus would be reached as to its agenda and victim compensation mechanisms. She also emphasized that the outcome of the Conference should be followed up by Governments, the Commission on Human Rights and other relevant United Nations agencies and non-governmental organizations.

24. **Mr. Naber** (Jordan) said that his country completely supported the holding of the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, since it would provide the opportunity for priorities to be drawn up for action against those phenomena, which were prevalent in so many countries and threatened international peace and security. Comprehensive preparations must be made for the Conference at all levels. The Jordanian Government therefore welcomed the holding in Amman in February 2001 of the conference of Asian and Pacific non-governmental organizations.

25. Despite all the endeavours to combat racism and racial discrimination, embodied in the relevant international instruments, there had been an upsurge in such phenomena that had been greatly facilitated by the Internet and the communications revolution. A determined political will on the part of the international community was essential in order to deal with that disturbing situation.

26. His Government had consistently attempted to use dialogue and maintain an open attitude in its crisis-torn region and in regard to its domestic policies and legislation, in keeping with its commitment to the main human rights instruments. There was a need to protect the cultural diversity of society while preserving the coherent identity of the nation. It was not enough to reaffirm tolerance and to defend human rights, which in Jordan were guaranteed by law. The rights of minorities must also be respected and their representation in political life guaranteed. Jordan spared no effort or expense in implementing policies aimed at preserving the rights of the least fortunate sectors of society and ensuring their participation in society.

27. The right of peoples to self-determination was a peremptory norm of general international law. The peoples of Asia, Africa and Latin America had made great sacrifices in order to win that right, which the United Nations had always upheld. The Palestinian people, however, notwithstanding numerous United Nations resolutions, had for 50 years been subjected to the most repugnant forms of oppression and persecution and prevented from exercising its legitimate right to self-determination in its national territory. Recent events in the occupied territories and Jerusalem provided the clearest illustration of such oppression.

28. His delegation hoped that the Sharm al-Sheikh agreement would succeed in halting the violence and allow the peace negotiations to be resumed, as a step towards a just and comprehensive settlement of the Palestinian question that would guarantee the Palestinian people's inalienable right to self-determination and to establish an independent State with Jerusalem as its capital.

29. **Mr. Bhatti** (Pakistan) said that his delegation associated itself with the statement made on the previous day by the representative of Nigeria on behalf of the Group of 77 with regard to agenda item 112. Racism, an affront to human dignity, contradicted the principles enshrined in the Universal Declaration of Human Rights and other human rights instruments. During the past century, humanity had gravely suffered from that scourge in various parts of the world. Over the past 50 years, concerted efforts had been made to eliminate it. In that regard, the Millennium Declaration had reaffirmed the commitment of the international community at the highest political level.

30. His Government welcomed the decision to hold the World Conference in South Africa — itself one of the worst victims of racism — which would send a strong symbolic message to the world. Regrettably, new forms of racism appeared to be on the rise throughout the world. The use of the electronic and print media and new communication technologies such as the Internet to incite racial hatred was particularly disturbing.

31. The Government of Pakistan firmly believed that innovations and advancements in science and technology should be devoted to the betterment of humanity, and that information technology could be an effective tool for promoting understanding and harmony among peoples of differing races and religions. The international community must take all possible measures to discourage the misuse of information technology by hate groups and racist organizations.

32. In 1999, his Government had proposed the establishment of a voluntary code of conduct to control misuse of the Internet; it therefore fully endorsed the proposal of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to initiate intergovernmental consultations with a view to regulating the use of the Internet for racist purposes and to harmonizing relevant criminal legislation.

33. His Government was, moreover, particularly concerned about the growing tendency to portray the tenets, rituals and followers of Islam in a negative light; that tendency was evident even within the halls of the United Nations itself. In many societies, Muslims were the target of hatred. Islamophobia would erode the process of building a tolerant and harmonious world. It was ironic that Islam, which taught tolerance and brotherhood and opposed any kind of inequality or discrimination on the basis of race, sex, colour, origin or social status, had become the target of such slander and discrimination.

34. The Government therefore welcomed the resolution adopted by the Commission on Human Rights which denounced attempts to defame Islam and link it with terrorism, and applauded the appeal made by the President of the Islamic Republic of Iran to establish a dialogue among civilizations. The world community must reject all notions of racial and cultural superiority and promote harmony and peaceful coexistence among individuals, groups and civilizations.

35. **Mr. Baali** (Algeria) said that, in Europe and throughout the world, the number of racist actions had been increasing daily, despite the efforts of the public authorities, targeting such diverse groups as migrant workers, refugees, asylum-seekers, ethnic and religious minorities and native populations. He welcomed the eloquent testimony of the Special Rapporteur on contemporary forms of racism to the effect that the resurgence of racist acts was attributable to the proliferation of racist and neo-Nazi groups which, in the name of freedom of expression, promoted the rejection of foreigners. Governments must accord

absolute priority to legal and political measures combat racism, including sanctions against persons who committed racist offences. Left unpunished, organizations and individuals which incited xenophobic violence would continue to act. The world community must work together to formulate a code of conduct for Internet service providers so that new technologies could become an effective instrument in the struggle against racist propaganda, rather than contributing to hateful racist discourse.

36. Nearing its end, the Third Decade to Combat Racism and Racial Discrimination had failed to achieve its objectives, owing to a lack of resources for the implementation of its programmes and to an absence of political will. The Government of Algeria, which had contributed regularly to the Trust Fund for the Programme of Action for the Third Decade, called on all other States to do the same. In that context, the forthcoming World Conference would enable the international community to assess progress made and identify the obstacles that remained. The choice of South Africa as host was both a symbol and a posthumous homage to all the known and unknown martyrs who had risen against the system of apartheid and created the pluralistic society that had supplanted it. The Government of Algeria, which would contribute its utmost to the success of the Conference, called on the participation of the entire United Nations system, and urged States that had not yet done so to ratify or accede to the International Convention on the Elimination of All Forms of Racial Discrimination.

37. With regard to the right of peoples to self-determination, he noted that the year 2000, marking as it did the fortieth anniversary of the adoption of General Assembly resolution 1514 (XV), had given fresh impetus to the movement for self-determination and provided an occasion for assessing progress in achieving its goals. Although more than 80 countries had achieved independence, the work of decolonization would not be finished until all peoples could exercise that inalienable right.

38. The heroic Palestinian people continued to clamour for its legitimate right to establish its own State on the land of its ancestors. The Algerian Government deplored the new wave of repression that had in recent weeks caused the deaths of more than a hundred Palestinians, mostly youths and children. That repression must stop; Israel must conform to the provisions of the Fourth Geneva Convention and international law.

39. In Western Sahara, the Sahrawi people continued its courageous fight for self-determination. The long-drawn-out settlement process had still not concluded; the referendum had been postponed year after year. Despite encouraging progress, problems continued to arise.

40. His Government wished to remind the United Nations of its responsibility toward the Sahrawi people and called on the international community, in particular the Security Council, scrupulously to monitor application of the settlement plan and the implementation agreements. Only the holding of an impartial referendum, allowing the Sahrawi people freely to exercise its choice, would bring about a just and definitive settlement.

41. **Mr. Hunte** (Saint Lucia) said that respect for equal rights and self-determination, proclaimed in the Charter of the United Nations, had served as a guiding principle for small developing States like Saint Lucia in the ongoing self-determination process under way in the Caribbean region. Although 80 former Territories had achieved self-determination, 17 island Territories in the Caribbean and the Pacific retained their non-self-governing status. There was a continuing need to struggle for those who remained on the periphery so as to fulfil the promise of political equality for the peoples of the small island Territories.

42. In the new millennium, ways must be found to remedy the "democratic deficits" of many of those dependencies. To that end, the international community should strongly reaffirm the right of those peoples to self-determination. The United Nations should promote the formulation of political education programmes to foster their awareness of that right and of their political status options, as defined in General Assembly resolutions 1514 (XV) and 1541 (XV), in order to prepare them to make informed decisions on their political future. It should also proclaim a second International Decade for the Eradication of Colonialism for 2001-2010, in order to ensure the implementation of the remaining goals. The second Decade had been endorsed by the Movement of Non-Aligned Countries, and was to be considered for adoption by the General Assembly at the current session.

43. The right to self-determination was defined as a fundamental human right in a number of principal human rights instruments, and attention was being paid to that issue by such bodies as the Commission on Human Rights and the Human Rights Committee. Thus, the international community was becoming more aware of the need for peoples to exercise their right to self-determination, and of the need to develop mechanisms to ensure the exercise of that right in conformity with General Assembly resolutions.

44. The Special Committee on decolonization, for its part, had insufficient resources to fulfil the comprehensive mandate of self-determination for the small island Territories. In fact, few acts of self-determination had been accomplished in the small island Territories during the first International Decade for the Eradication of Colonialism. The Government of Saint Lucia hoped that the wider United Nations system would make a concerted effort to ensure that sacred right, and proclaim a second Decade for that purpose.

Statements made in exercise of the right of reply

45. **Mr. Menkerios** (Eritrea) said that regrettably he must reply to the lies spewed out by the representative of Ethiopia at the previous meeting. The representative of Ethiopia had accused Eritrea of committing abuses against Ethiopians living in that country, whereas in fact the crimes committed by the Ethiopian regime against Eritrean civilians had been widely publicized and verified by independent witnesses.

46. Eritrea's position on racism was clear: unlike Ethiopia, it had never expelled people of other countries because it "did not like the colour of their eyes". The Ethiopian regime had expelled and confiscated the property of over 75,000 Eritreans living in Ethiopia, and had incarcerated thousands in concentration camps. It had demonstrated its inhumanity by killing, raping, amputating the limbs of children, torturing and committing acts of mass destruction in the Eritrean territories it continued to occupy. Those facts had been corroborated by independent witnesses and widely reported in the media. The Ethiopian Government, an ethnic minority regime, had demonstrated a rabid hatred of Eritreans which hollow, unsubstantiated allegations could not erase.

47. For the past two and a half years, the Eritrean Government had requested the Commission on Human Rights to send observers to Eritrea and Ethiopia to investigate and monitor the human rights record in those two countries. Tellingly, the Government of Ethiopia had refused to permit them to visit. He urged the representative of that country to join him in inviting independent observers to conduct investigations, and to report their findings to the Third Committee. The damning evidence produced by Amnesty International and Human Rights Watch had apparently been unconvincing.

48. **Mr. Tessema** (Ethiopia) said that the Eritrean regime had yet again sought to misinform the international community. Despite all the colourful fabrications, his delegation was determined to adhere to fact. The international community was well aware that it had been the Eritrean regime that had initiated the problem by committing international crimes: invading Ethiopia in May 1998 and occupying Ethiopian territory for over two years. The Eritrean Government had, moreover, rejected all possible means of peaceful resolution of the conflict. Ethiopia had always maintained its position that aggression should not be rewarded, but rather reversed — if not through peaceful means, then in self-defence. Given that the leaders in Asmara had continued to defy international norms of behaviour, Ethiopia had had no option but to reverse the aggression once and for all.

49. Meanwhile, daily war crimes against Ethiopian citizens were on the increase and over 30,000 Ethiopians had been incarcerated. Even after the signing of the Agreement on Cessation of Hostilities in June 2000, over 20,000 Ethiopians had been forced to cross minefields and flooded rivers. Women detained at the border by Eritrean troops continued to be subjected to atrocities, including rape. The Eritrean regime was also responsible for the disappearance of thousands of Ethiopians in Eritrea. Not even the International Committee of the Red Cross had access to the slave labour in Eritrea.

50. The primary responsibility of any nation was to protect its citizens from such wanton acts. His delegation appealed to the international community to act urgently to save the lives of innocent people whose only crime was to be Ethiopian. It was laughable for the representative of a country without a constitution to lecture another.

51. **Mr. Menkerios** (Eritrea) said that certain issues would be more appropriately discussed under other agenda items. His delegation had already amply demonstrated Ethiopia's aggression. It was difficult, however, not to respond to certain allegations. He could provide independent media reports confirming his position and wished to know whether the representative of Ethiopia could do the same. The Eritrean Government was also prepared to renew its invitation to independent observers to visit the country at any time and to report to the Committee. He wished to know whether Ethiopia was also ready to accept such observers.

52. **Mr. Tessema** (Ethiopia) said that delegations were not supposed to negotiate government positions in the Third Committee. At no time had his own Government refused to accept any human rights observers, as the Office of the United Nations High Commissioner for Human Rights would no doubt confirm. The High Commissioner had in fact just returned from a visit to his country. Ethiopia possessed its own human rights ombudsman and had always cooperated with human rights bodies, including those critical of the Government's record. The real issue at stake, therefore, was Eritrea's aggression. An invitation to observers in the midst of conflict merely constituted a public relations stand.

53. He wished it to be recorded that the Eritrean regime, engaged in its usual prevarications, was alleging that Ethiopia had deported Eritreans and Ethiopians of Eritrean origin merely in order to whitewash Eritrea's own unabated and gross violations of the human rights of innocent Ethiopian nationals over the past two years. His delegation had already replied in detail to that "humdrum" allegation. As a victim of aggression, and in the interests of national security, Ethiopia had naturally taken precautionary measures at the beginning of the conflict against some Eritrean nationals engaged in clandestine activities. However, those measures had been taken in transparency and only following thorough investigations. At no time had his Government violated the human rights of the hundreds of thousands of Eritrean nationals who continued to lead normal lives in Ethiopia.

54. **Mr. Zahid** (Morocco) said that the Algerian delegation knew full well that the Security Council was already dealing with the situation concerning Western Sahara. He was shocked by his Algerian brothers' obstinacy in raising so "manufactured" an issue in each and every forum. Not only was it totally unwarranted; it merely served to poison the atmosphere and to hamper United Nations efforts to resolve the problem.

55. Moreover, it was not for the representative of Algeria to state that there was no alternative but for the international community to scrupulously monitor implementation of the settlement plan, when it was clear who had been responsible for obstructing the process over the past decade. Morocco, for its part, had accepted the settlement plan as early as December 1991; however, letters published as official documents revealed that the Government of Algeria and the Frente POLISARIO (Frente Popular para la Liberación de Saguía el-Hamra y del Río de Oro), for their part, had not. In 1993, the Frente POLISARIO and its supporters — not Morocco — had rejected the compromise solution put forward by the Secretary-General. In 1995, moreover, the Frente POLISARIO had refused to include a considerable number of Saharan tribes in the identification process, further blocking that process until 1997. In 1997, the Houston agreements had not been respected, since the Frente POLISARIO had proved willing to identify only a small percentage of the Saharans. Indeed, thanks only to the arbitration of the Secretary-General in late 1998 — and to the protocols of 1999 — the Saharans had finally been identified. Thus, there was no doubt which of the parties had been responsible for the delays.

56. Morocco had merely recovered an integral part of its own territory in accordance with international law. It had initiated the referendum in good faith and had thus far always cooperated with the United Nations. As the Secretary-General had pointed out in his latest report on the situation (S/2000/683), there was a "lack of progress" on the issue, and "multiple problems" relating to the implementation of the settlement plan remained. Those problems were clearly the result of the obstinacy and obstruction of others. His own Government, desiring an end to the suffering of its Saharan brothers in the Tindouf refugee camps, had offered to initiate a frank and sincere dialogue to find a permanent solution within the framework of Moroccan sovereignty.

57. His delegation would appreciate information on the Tindouf camps, where refugees were not allowed to circulate without military authorization. Algeria continued to refuse to repatriate the refugees; surely

that was the unresolved humanitarian issue. It was to be hoped that the international community would take appropriate measures.

58. **Mr. Baali** (Algeria) said that he had expected his brother from Morocco to remain silent, since nothing in his own statement had been calculated to shock or to displease him. The situation concerning Western Sahara clearly involved the right to self-determination of a people under foreign occupation. He had merely reiterated points traditionally made by his delegation under the current agenda item — uncontroversial points echoed annually in General Assembly resolutions. He was in fact surprised that the representative of Morocco had not fully supported his statement.

59. As an observer of the process, Algeria agreed with the international community and Morocco that the settlement plan and Houston agreements should be fairly and honestly implemented. All parties had agreed on the need to surmount the remaining obstacles to implementation. For there to be an end to the tragic conflict which had pitted Moroccans against their Saharan brothers for more than 25 years, there must be a free and fair referendum for self-determination. The Western Sahara question was a decolonization issue, and the framework for a resolution of the situation was the settlement plan.

60. On the subject of propaganda, he had found no trace of the trumpeted support of the European Union, which appeared to exist only as a figment of his Moroccan brother's imagination. He was, however, pleased that the Moroccan delegation had begun to refer to the Frente POLISARIO by name, and not merely as "the other party".

61. **Mr. Zahid** (Morocco) replied that his delegation would never remain silent when national interests were at stake, especially not on an issue so dear to the Moroccan people's hearts. It was indeed shocking that the Western Sahara question should be raised yet again, especially given that it was the subject of General Assembly resolutions. As proof that he had not misrepresented the position of the European Union, he would send a copy of the relevant text to the representative of Algeria.

62. The Western Sahara question was not a decolonization issue. After all, Spain — and not Morocco — had been the occupying Power in the Sahara. He had used the term Frente POLISARIO since one was obliged to call them something. It had, of course, been Morocco's "liberation army" that had set the Western Sahara free. The Saharan people lived in peace and enjoyed all their rights, including freedom of movement and expression. The same could not, however, be said of the "refugees" detained in the Tindouf camps. If the host country (Frente POLISARIO, after all, was not the responsible party) had permitted their return to Morocco, the Sahara question would long have been settled.

63. The representative of Algeria knew full well that he had not merely raised issues which were the object of consensus and that the international community was currently pursuing an alternative solution to the problem. Morocco would support the settlement plan provided it could be implemented. Multiple obstacles remained, but his Government had generously offered to engage in dialogue.

64. **Mr. Baali** (Algeria) said he was extremely surprised that the representative of Morocco had been so shocked and bothered by his response. He had, after all, only used arguments based on General Assembly resolutions. Morocco should rest assured that Algeria would not be silent when it was a question of defending something close to its own heart; it would speak out whenever and wherever the right of people to self-determination was flouted.

65. With regard to the refugee issue, repatriation was part and parcel of the settlement plan, but the plan itself was being blocked because the Moroccan Government had submitted appeals relating to more than 100,000 persons. The Office of the United Nations High Commissioner for Refugees, which maintained a field presence in Tindouf, had asked the refugees on numerous occasions whether they wished to return to Morocco. The overwhelming majority had stated that they preferred to wait until the settlement plan was under way and the identification process was complete, so that they could return to Saharan territory in time for the referendum.

66. As for the so-called support of the European Union, he had been assured by its current presidency that no such statement had been made.

Agenda item 118: Programme planning (A/55/6 and A/55/16; A/C.3/55/6)

Consideration of the medium-term plan for the period 2002-2005

67. **Mr. Reyes Rodriguez** (Cuba) expressed regret that the medium-term plan had not been available earlier in the year; and the various committees had not, therefore, had an opportunity to provide input. His delegation wished to make a few observations on programme 19 on human rights (A/55/6 (Prog. 19)). It was unfortunate that, despite the wishes of numerous developing countries, no programme for follow-up of the right to development had been created and that right was still included with many other important issues in subprogramme 1; he therefore wondered how much attention would really be given to the right to development. Accordingly, he proposed that a new subprogramme should be drawn up specifically to deal with the right to development. He was concerned that the Office of the United Nations High Commissioner for Human Rights should continue to work through the agencies and programmes of the United Nations and follow the rights-based approach, but there did not seem to be any specific actions planned to promote the right to development.

68. He was also concerned that the new focus on indicators of achievement did not accurately reflect priorities and would be the subject of much debate; for example, according to paragraph 19.11 (a), one indicator would be the number of cooperation agreements implemented between OHCHR and major development agencies and organizations, but there did not seem to be any provision for evaluating the quality and effectiveness of those agreements.

69. Turning to paragraphs 19.13 (b) and (c), he said that support for treaty bodies and the formulation of plans of action relating to human rights instruments overstepped the mandate of the High Commissioner and the terms of reference of the subprogrammes and the Support Services Branch. Likewise, he believed that there had been no mandate for the creation of an emergency response task force as indicated in paragraph 19.20. In fact, when the High Commissioner had reported to the Commission on Human Rights, many delegations had been highly critical of such a step, which once again overstepped her mandate as set out in General Assembly resolution 48/141. Such a task force would only serve to increase politicization of United Nations human rights efforts and would be totally unacceptable to his delegation.

70. **Mr. Hamidullah** (Bangladesh) said that his delegation attached particular importance to subprogramme 1 of programme 19 (A/55/6 (Prog. 19)). Although delegations had agreed on many points, substantial differences remained. It was his own delegation's view that the right to development had not been adequately addressed. Moreover, the international aspects were absent.

71. **Mr. Heyward** (Australia), welcoming the crucial inclusion of indicators of achievement, said that some refinement was, however, necessary. He disagreed with the representative of Cuba that the right to development should form a separate subprogramme, since that right was still being actively discussed in United Nations human rights bodies. With regard to subprogramme 1, the objective to realize the right to development (A/55/6 (Prog. 19), para. 19.5) appeared somewhat ambitious, particularly since its realization depended on many other factors, such as good governance.

72. In relation to subprogramme 2 (Supporting human rights bodies and organs), the strengthening of the analytical capacity of the human rights treaty monitoring bodies (para. 19.13 (a)) should also be reflected in the indicators of achievement, as should the reduction of the time-lapse between the submission and examination of periodic reports. It might also be worth developing an indicator to measure the satisfaction of participants and observers regarding the conduct of meetings.

73. Regarding subprogramme 3 (Advisory services, technical cooperation, support to human rights fact-finding procedures and field activities), his delegation was particularly concerned to ensure that the strategy provided adequate recognition of the work of the Office of the United Nations High Commissioner for Human Rights, particularly in respect of technical assistance to develop national plans of action to promote and protect human rights, to support national human rights infrastructure and human rights education. The indicators of achievement should not merely involve an "enumeration" of national human rights action plans and institutions (para. 19.23 (c)), but provide some measurement of progress achieved. He would be providing more detailed comments in writing.

74. **Mr. Bhatti** (Pakistan) said that, during discussions in the Committee for Programme and Coordination, it had become clear that there were problems and it had been recommended that further discussions be put off until the Third Committee had had a chance to meet. He suggested that the Fifth Committee, during its discussions on the subject, with the assistance of input from the Third Committee, would be able to resolve expeditiously issues related to the sensitive area of human rights, on which it was difficult to reach a consensus. With regard to paragraphs 19.13 (b) and (c) and 19.20, he agreed with the representative of Cuba that those paragraphs required in-depth discussion, and once again suggested that they should be taken up in the Fifth Committee, with input and support from the Third Committee.

75. **Mr. Yu** Wenzhe (China) recalled that, after the meetings of the Committee for Programme and Coordination, interested delegations had held informal consultations with a view to achieving a consensus; however, more time was necessary to resolve outstanding problems, for example with regard to the right to development and to paragraphs 19.13 (c) and 19.20 as well as the terms of reference for various agencies and bodies. He therefore agreed with the representative of Pakistan that the Fifth Committee should discuss those questions in detail, assisted by input from the Third Committee.

76. **Mr. Tapia** (Chile) agreed in general with the statement by the representative of Australia and also agreed that the subprogrammes should be discussed in more detail in the Fifth Committee. He stressed the importance of having appropriate indicators to analyse progress made in the human rights field as well as the efficacy of the subprogrammes. Those indicators still required some refining, for example, all subprogrammes should integrate the gender perspective and the rights of women.

77. **Mr. Kulitz** (Germany) recalled the importance of the medium-term plan as an expression of States' expectations of the Secretariat. When the Committee for Programme and Coordination could not reach agreement on the draft plan, it was the Fifth Committee which had to find a solution before the plan could be adopted by the General Assembly. The Committee's discussions at its latest session had, however, been generally successful and it would be in a position to present an agreed draft on 24 of the 25 programmes to the Fifth Committee. Unfortunately, owing to a lack of time, no consensus had been reached on programme 19, and the Committee would therefore pass on to the Fifth Committee only a summary of the views expressed on that issue as well as amendments proposed by delegations, including Germany.

78. He stressed his delegation's keen interest in the successful conclusion of deliberations on the human rights programme in the Fifth Committee; it would participate actively in reaching agreement on a substantial and forward-looking text which properly described the tasks assigned to the Office of the High Commissioner for the period 2002-2005 and which would enable the Office to further develop its activities and initiatives.

79. **Mr. Welsh** (United Kingdom) expressed his support in general for the work of the High Commissioner's Office and, with regard to the medium-term plan, stressed the importance of including indicators which would help evaluate the effectiveness of work undertaken. With regard to the right to development, he agreed that consensus must be achieved at the current session of the General Assembly and was optimistic that, building on the progress made in Geneva, and given sufficient time, delegations should be able to reach consensus.

80. **Mr. Mekdad** (Syrian Arab Republic) said that the medium-term plan should reflect delegations' common understanding of the tasks of the Secretariat. He therefore wondered why paragraph 19.20 dealt with the creation of an emergency response task force within the Secretariat, for which there had been no mandate. Creation of such a task force was a complex and sensitive matter which could complicate the work of the United Nations in the area of human rights. Any such undertaking must first be discussed and understood by all Member States before being included in the medium-term plan.

81. **Ms. Mesdoua** (Algeria) expressed her grave reservations about paragraph 19.20, as there had been no mandate for the creation of an emergency response task force. The creation of any such mechanism must be undertaken within the framework of a clear mandate and following the rules of procedure, and that issue should be discussed in detail not only in the Fifth Committee but also in general discussions of human rights issues. She also stressed that any indicators should be adopted on a consensus basis following consultations with States, especially in the sensitive

area of human rights. With regard to the right to development, she noted the work of the Working Group on the Right to Development and hoped that the relevant draft resolution would be adopted by consensus and that the High Commissioner would assign increased priority to that right.

82. **Mr. Campuzano** (Mexico) agreed with the United Kingdom representative that it was simply a lack of time that had prevented consensus in the Committee for Programme and Coordination, and stressed the need for the Committee to allow sufficient time for review of reports submitted to it. He also stressed the need for the directors of programmes to be present at meetings of the Committee in order to facilitate discussion of reports as well as the medium-term plan, especially given the relatively brief time allotted.

83. **Mr. Oda** (Egypt) said, with regard to paragraph 19.20, that the High Commissioner had not received authorization to create an emergency response task force; mention of that task force should be removed from the report and OHCHR should work within its mandate as stated in General Assembly resolution 48/141. The right to development should be given a higher priority and his delegation would work to ensure that the draft resolution on the right to development was adopted by consensus. He hoped that the Working Group meeting in Geneva would arrive at a consensus on the concept of the right to development as part of a continuing dialogue on the definition of the right to development, as stated in the Declaration on the Right to Development.

The meeting rose at 5.50 p.m.

United Nations A/C.3/55/SR.29

General Assembly
Fifty-fifth session

Official Records

Distr.: General
15 February 2000
English
Original: French

Third Committee

Summary record of the 29th meeting
Held at Headquarters, New York, on Friday, 20 October 2000, at 10 a.m.

Chairperson: Ms. Gittens-Joseph ..... (Trinidad and Tobago)

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The meeting was called to order at 10.15 a.m.

Agenda item 112: Elimination of racism and racial discrimination (*continued*) (A/55/18 (Suppl. No. 18) and Add.1, A/55/203, A/55/266, A/55/285, A/55/304, A/55/307, A/55/459 and A/C.3/55/L.20)

Agenda item 113: Right of peoples to self-determination (*continued*) (A/55/176 and Add. 1, A/55/334)

1. **Mr. Giulietti** (Observer for Switzerland) expressed satisfaction at what appeared to be the emergence of a consensus on the need to combat racism. All States that had not yet done so should ratify the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant international instruments.

2. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance would afford States an unparalleled opportunity of reaffirming their commitment to a multicultural, free, democratic community with shared values. In that connection, there were a number of essential points that should be emphasized. The first had to do with the contribution of the Internet to the effort to eliminate racism, owing primarily to its world-wide scope and the speed of modern communications. It was essential to develop codes of conduct, in view of the fact that, increasingly, some sites were being used to disseminate racist propaganda. The second point had to do with criminal law reform. In Switzerland, racist acts were offences that automatically entailed prosecution; it was not necessary for a complaint to be lodged. Consequently, there need be no interaction between the victim and the police, magistrates could be sensitized to racist crimes, and the authorities had an incentive to be vigilant. The third point had to do with the essential contribution that could be made, either at the national level or in the framework of international cooperation, by agencies expressly mandated to combat racism. Such agencies played a watchdog role, issuing notices and advice for the use of the authorities and helping to sensitize public opinion to the problem. Accordingly, it would be desirable to establish them, or, where they already existed, to enhance their effectiveness. The fourth point, which was related to the third, had to do with local or regional consultant services that had the power to intervene and could, where appropriate, open an enquiry or suggest mediation. They could be used to establish structures through which law enforcement services, specialized bodies and vulnerable minority groups could exchange information.

3. The establishment of mechanisms conducive to dialogue with or between national, ethnic, linguistic or religious minorities was something that should be encouraged. Switzerland, with its long experience in the field of peaceful coexistence among various linguistic and religious communities, had concluded that such an approach tended to have a liberating and healing effect on civil society, enabling it to develop new foundations on which to base its activities.

4. **Mr. Kumalo** (South Africa), speaking on behalf of the States Members of the Southern African Development Community (SADC), said that legal provisions alone did not provide adequate solutions in the struggle against racism, racial discrimination, xenophobia and other related intolerance; the redistribution of social, economic and cultural power was also essential, as was the promotion of social justice, equality of opportunity and participation by all in public life. The region's ethnic, religious, cultural and linguistic diversity was an asset, and the SADC Member States were actively striving to create jobs, to extend ownership of the region's wealth to its citizens, to deliver education and housing services, and to speed up efforts to improve health.

5. SADC was honoured that the international community had selected South Africa as the venue for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and requested Member States to provide the resources needed for the event. It was to be hoped that the Conference would produce concrete goals which would inspire hope in the lives of victims of racism and xenophobia. States should become parties to the international human rights instruments and implement them faithfully in order to make racial equality a reality.

6. With respect to agenda item 113, it was worth reiterating that the right to self-determination was a fundamental human right which peoples under colonial or alien domination should be free to exercise. It was incumbent upon all Member States to discharge their obligations under the Charter of the United Nations, the resolutions of the General Assembly and the Security Council, international humanitarian law and all international instruments. SADC deplored the outbreak of violence that had recently occurred following a visit by the leader of the Likud Party to an Islamic holy place. It

called upon the Government of Israel to exercise restraint and avoid the disproportionate use of force to quell the violence. The agreement reached by the parties at the Sharm al-Sheikh Summit should help defuse tensions and create the conditions necessary for the resumption of the Middle East peace process.

7. **Mr. Al-Qahtani** (United Arab Emirates) said that it was incumbent upon all Governments and peoples to combat racial discrimination by all means at their disposal, including the enactment of legislation, the launching of investigations, the dissemination of information, education and so on. The Government of Israel was not fulfilling its obligations in that connection, inasmuch as ever since the founding of the State of Israel in 1948, it had systematically practised flagrant racial discrimination against the Palestinians. A recent terrible illustration, one among many, had been the deliberate killing of a 12-year-old boy by Israeli soldiers during a violent clash with Palestinian demonstrators. The boy had been attempting only to protect himself, as had been apparent from the television coverage of the incident. In view of the increasingly serious situation in Palestine, the international community must abandon its double standard and intervene to compel Israel to honour its obligations as a Member of the United Nations, and to allow the Palestinian people to exercise their right to self-determination and establish a State.

8. **Ms. Frankel** (Israel) said that the year 2000 had marked the end of a century which had witnessed appalling acts of racism and religious hatred. Evidently the lessons of the Holocaust had not yet been learned, for each passing day brought further victims of xenophobia, racial discrimination, intolerance and anti-Semitism. Another legacy of the twentieth century had been the development of new and more rapid means of transport, which had ushered in an era of great human movement, bringing people into contact with others who were culturally very different from themselves. At the same time, new information technologies, notably the Internet, kept the international community instantaneously informed about acts of racism, and could thus play a beneficial role by inculcating respect for different cultures, especially among young people. The Internet must be used to disseminate educational programmes, but it was important to make sure that it was not used for purposes of racist propaganda. Preparatory meetings for the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance should deal with such issues.

9. In response to the statement made by the Observer for Palestine with reference to agenda item 110 (Promotion and protection of the rights of children), she would say only that 99 per cent of the Palestinians in the occupied territories lived under the rule of the Palestinian Authority, and, consequently, any complaints should be addressed to that body. Israel wanted nothing more than to achieve a just and lasting peace with its Palestinian neighbours, as had been reflected in the declaration issued at the conclusion of the Sharm al-Sheikh Summit.

10. **Mr. Powles** (New Zealand) said that New Zealand was committed to the elimination of racism and racial discrimination in all its forms, and to the promotion of racial harmony both domestically and internationally. Accordingly, his delegation fully supported the objectives of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and would welcome a programme of action that was forward-looking and action-oriented, inasmuch as the victims of racial discrimination needed, not words, but action.

11. Priority issues at the Conference should include human rights education, the dissemination of "best practices" in combating racism and racial discrimination, promotion of the implementation of existing international instruments, the situation of indigenous people, minorities, women and children, and new and contemporary forms of racism and racial discrimination. The Conference should also recognize the importance of partnership between civil society and Governments, as only through partnership and an inclusive approach at all levels would it be possible to enlist as many actors as possible in the fight against racism and racial discrimination. Consequently, the modalities adopted for the Conference should be as interactive and inclusive as possible. In that context, it was particularly disappointing that New Zealand and Australia had been excluded from the regional preparatory meeting for the Conference for countries from the Asia-Pacific region, to be held in Tehran in February 2001. Japan had expressed support for their participation, through its representative at the Economic and Social Commission for Asia and the Pacific, and it was to be hoped that the matter would be quickly resolved. It had been the clear intent of General Assembly resolution 52/111 that regional preparatory meetings should be organized along United Nations regional commission lines.

12. **Mr. Ingólfsson** (Iceland) said that his delegation supported the work of the Special Rapporteur on contemporary forms of racism, racial discrimination,

xenophobia and related intolerance, and encouraged all Governments to take appropriate measures to eradicate all forms of racism and racial discrimination, including misuse of the Internet. Any use of the Internet to promote racism or incite racial hatred and violence was to be strongly condemned. Consequently, his delegation welcomed the study undertaken by the United Nations High Commissioner for Human Rights on the promotion of international cooperation in that area and on the use of the Internet in the struggle against racism and xenophobia and in the promotion of human rights education.

13. In view of the tremendous influence exerted by the mass media, it was important to sensitize them to the question of racism and encourage them to adopt positive initiatives and display a sense of responsibility. In addition, the public should be educated to be more fully aware of the nature of contemporary media and their possible adverse influence.

14. The General Assembly had declared that all forms of racism and racial discrimination, including ethnic cleansing, were among the most serious violations of human rights and must be combated by all available means. The current rise of racist and xenophobic idea in certain political circles was alarming. Every possible assistance should be given to victims of racist acts. Accordingly, his delegation welcomed the decision of the General Assembly to hold the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in South Africa in 2001.

15. The Council of Europe would continue to play a key role in combating racism, xenophobia, anti-Semitism, Islamophobia and other forms of intolerance in Europe. The European Conference against Racism, held in preparation for the World Conference, had just been concluded under the auspices of the Council in Strasbourg. The Member States had adopted a political declaration emphasizing that Europe was a multicultural community with shared values. They had committed themselves, not only to take a number of measures against racism, but also to monitor the implementation of those measures. In addition, they had declared that they were conscious of and alarmed at the dangers of indifference to manifestations of racism.

16. During the Millennium Summit, the High Commissioner for Human Rights had encouraged Heads of States and Governments to sign a declaration entitled "Tolerance and Diversity: A Vision for the 21st Century" which stated that the World Conference should adopt a declaration and a plan of action. The Prime Minister of Iceland had signed the declaration.

17. The engagement of non-governmental organizations was most important in combating racism, racial discrimination, xenophobia and intolerance. In Iceland, for example, the Icelandic Red Cross had been playing a prominent role in receiving refugees and facilitating their integration into the country's social, cultural, political and economic life. Immigration had been relatively low until recent years, and foreigners accounted for only four per cent of Iceland's population. A comprehensive survey had recently been conducted among the immigrant population in order to facilitate policy-making in that connection, in line with a recommendation by the European Commission against Racism and Intolerance.

18. In Reykjavik there was a cultural centre for foreigners to facilitate relations between them and the local population, and to help them keep their own cultural heritage and language. A similar centre outside the capital would shortly be opened, in cooperation with the local authorities and the Icelandic Red Cross. All refugees coming to Iceland were assigned an adoptive family, and the system had proved very successful in integrating refugees into Icelandic society. Relations between people should never be underestimated as a means of preventing racism and racial discrimination.

19. **Ms. De Armas García** (Cuba) said that, with reference to agenda item 113, the right of States to exercise national sovereignty, and the right of peoples to exercise self-determination without foreign intervention or interference, were the keystone, not only of the legal order that had been constructed after 1945, but also of the United Nations system and of contemporary international law.

20. The right of peoples to exercise self-determination was a sine qua non of the exercise of other fundamental rights. Under conditions of foreign domination and occupation, respect for human rights must be meaningless. Accordingly, her delegation wished to reaffirm its unreserved solidarity with the Palestinian people in its just struggle for the creation of an independent, sovereign State with East Jerusalem as its capital, and for the restitution of all the occupied Arab territories.

21. The struggle of peoples for their right to self-determination remained valid in the contemporary world situation, not only because there were still 17 territories still under colonial rule, but also because new threats had

arisen that were no less perilous, especially to the peoples of developing countries. Those threats stemmed from a new policy based on force and domination, from legally groundless theories of a so-called "right of humanitarian intervention", and from the intention of the powerful to subject developing peoples to alien models of development and political organization.

22. Consequently, developing countries were confronted with a fateful decision, namely, whether or not to accept the prospect of finding, at some future time, that they had become the target of intervention by the handful of Powers with a monopoly of the necessary economic and military resources. In the view of the Government of Cuba, so-called "humanitarian intervention" constituted a violation of the Charter of the United Nations and international law, as well as a flagrant violation of the right of peoples to self-determination.

23. The maintenance of peace rested on respect for nations, their territorial integrity, their diversity, and the plurality of political systems, which, so far from bending to force or merging into uniformity as a result of irresistible globalization, claimed their rightful place within the United Nations system. The reaffirmation of the right of peoples to self-determination assumed particular importance in a unipolar world order marked by the desire of one superpower to impose an economic, political and military dictatorship through the dissemination of a single economic and political model, by the supremacy of a small group of countries armed with nuclear weapons, and by the manipulation of human rights for political ends.

24. The Government of Cuba continued to demand the return of the territory of the United States naval base at Guantánamo, the usurpation of which, against the will of the Cuban people, seriously jeopardized Cuba's independence and constituted a flagrant violation of the Cuban people's right to self-determination.

25. Consideration of the report of the Special Rapporteur on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination lay at the heart of the Committee's discussion of agenda item 113. It was clear from that report that mercenary activities had been increasing for some time, and that they were assuming new and dangerous forms which threatened human rights and the right of peoples to exercise self-determination. Even in peacetime, mercenaries were used to impede the exercise of a people's right to self-determination, ruin countries' infrastructure, and endanger the lives, safety and fundamental rights of their inhabitants by acts which, in many cases, constituted not only mercenary activities but terrorism as well.

26. Her delegation appreciated the in-depth investigation conducted by the Special Rapporteur on the question of the use of mercenaries and the new forms that contemporary mercenary activities were assuming, especially in cases where the unlawful acts in question were the work of individuals who, in exchange for remuneration, were serving a foreign Power against their own country of origin.

27. Like the Special Rapporteur, her delegation considered that Member States were bound not to allow their territories to be used to recruit or train mercenaries or to finance mercenary operations in other countries. It also agreed with the Special Rapporteur that States were under the obligation to prohibit, prosecute and punish mercenaries of all categories, and that perpetrators or masterminds of mercenary attacks who had sought refuge in the territory of a country other than the affected country should be investigated, tried and sentenced.

28. For nearly 40 years, Cuba had been the target of mercenary activities mounted and financed with impunity from the territory of the United States of America. The Government vigorously opposed the continuation of practices that contravened essential principles of international law and the Charter of the United Nations. It firmly supported the work and mandate of the Special Rapporteur, and intended to cooperate with him even more closely, as his visit to Cuba in September 1999 had attested. The General Assembly should extend the mandate of the Special Rapporteur to enable him to continue the investigation and conceptualization work that he had undertaken in connection with the agenda item under consideration. For some years, moreover, the General Assembly had been requesting the Office of the United Nations High Commissioner for Human Rights to organize expert meetings in order to establish the study of contemporary mercenarism on solid theoretical foundations; it was important that those meetings should be held without delay. Both the above elements were included in the text of the resolution on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination which was submitted to the Third Committee every year. It was to be hoped that the Committee would, as usual, vote overwhelmingly in favour of the resolution.

29. **Mr. Duran** (Venezuela) said that his delegation continued to regard all discrimination based on race, religion, or national or ethnic origin as unlawful, while racial discrimination, xenophobia and other forms of intolerance were to be condemned. The Republic of Venezuela guaranteed everyone the enjoyment and the inalienable, indivisible and interdependent exercise of his or her human rights. The equality of all before the law had been given material expression in measures aimed at protecting persons or groups that were vulnerable, marginalized, or likely to become victims of discrimination. The Venezuelan people was the outcome of a fusion of genetic and cultural elements originating from the Americas, Europe and Africa, enriched by the contributions of immigrants from every part of the world, whose acceptance and integration were based on scrupulous respect for differences and beliefs, both individual and collective. The laws affording persons and groups protection from discriminatory measures of any kind were strictly enforced.

30. A number of national institutions for the defence and promotion of human rights had been established, with mandates focused primarily on the protection of the most vulnerable groups. All States should initiate educational programmes to inculcate respect for ethnic, racial and cultural diversity, as a means of combating racism, racial discrimination, xenophobia and intolerance more effectively.

31. His delegation attached great importance to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance that was to be held in 2001, and wished to thank the Government of South Africa for agreeing to host it. His delegation was participating actively in the preparatory work, and hoped the Conference would be successful. It also called on all Governments in a position to do so to support the voluntary contributions fund for the Conference, so that the least developed countries would be able to participate fully in the preparatory process.

32. With respect to agenda item 113, the Constitution of Venezuela recognized the right of all peoples freely to determine their political status, without foreign interference, and to pursue their economic, social and cultural development. Similarly, it expected other States to respect that right and the principle of territorial integrity.

33. *Mr. Alaie (Islamic Republic of Iran) (Vice-Chairperson) took the Chair.*

34. **Mr. Ahmad** (Pakistan) said that the right of peoples to self-determination was an inalienable right of all peoples and a prerequisite for the full enjoyment of all human rights. Its universal validity had been amply reflected in the more than threefold increase in the membership of the United Nations over the previous 55 years. More than three quarters of the people of the world had realized their freedom since 1945, and the United Nations had played a pivotal role in that phenomenon.

35. More recently, the people of East Timor had exercised their right to self-determination. The lead role played by the United Nations in resolving the problem had greatly added to the Organization's prestige. A former Permanent Representative of Pakistan to the United Nations, Ambassador Jamsheed Marker, had worked tirelessly as the Special Representative of the Secretary-General to promote the settlement in East Timor. His contribution was a matter of pride for the people of Pakistan.

36. The expectation that the Palestinian people, too, would soon realize their right to self-determination had received a serious setback with the outbreak of violence which had resulted in the loss of many lives. On behalf of the Government and the people of Pakistan, his delegation wished to extend its sincere condolences to the bereaved families.

37. The provocative visit to the Haram al-Sharif on 28 September 2000 and the tragic events that had followed had put the entire Middle East peace process in serious jeopardy. However, the understandings reached by the parties at the Sharm al-Sheikh Summit were encouraging. It was to be hoped that the beginning made in Sharm al-Sheikh would lead not only to resumption of the peace process, but also to a comprehensive settlement of the Palestine issue on the basis of the Palestinian people's right to self-determination.

38. Years of denial of the right of self-determination ultimately obliged peoples living under foreign and colonial occupation to undertake freedom struggles, as the history of the vast majority of the States Members of the United Nations attested. That was precisely what had been happening for the previous ten years and more in Indian-occupied Jammu and Kashmir.

39. In 1947, two newly independent States, Pakistan and India, had been born in South Asia on the basis of the right of peoples to self-determination. Ironically, the first decision which India had taken after its independence had been to occupy Jammu and Kashmir militarily, in

disregard of the aspirations of the people of that State. In successive resolutions, notably resolution 91 (1951), the Security Council of the United Nations had decided that "... the future of the State of Jammu and Kashmir shall be decided through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations."

40. Both India and Pakistan had given firm commitments for the implementation of Security Council resolutions. Regrettably, India had later reneged on its obligations under the Charter of the United Nations, and had proceeded illegally to annex occupied Jammu and Kashmir to the Indian Union.

41. Kashmir was currently occupied by more than 700,000 Indian military and paramilitary troops. The occupation forces had unleashed a relentless campaign of terror and repression to crush Kashmiris' resistance to India's illegal occupation of their State. Every day, dozens of young Kashmiris were killed in cold blood. There was hardly a family in occupied Kashmir that had not lost a son, brother or father at the hands of the Indian security forces. There was hardly a family in Indian-held Kashmir whose women had not been dishonoured or shamed.

42. The All Parties Hurriyet Conference, the sole representative voice of the Kashmiri people, had estimated that over the previous 11 years, more than 72,000 young Kashmiris had been killed in cold blood. Fake encounters, midnight searches, rapes, abductions, torture, custodial disappearances, summary and extrajudicial killings, humiliation and arbitrary detentions at the hands of the Indian security forces had become routine occurrences in occupied Jammu and Kashmir. Massacres of innocent civilians were committed through "renegade militants" only to malign the Kashmiri people's legitimate struggle for freedom. Their plight was a living example of how a State could use the instruments of power at its disposal to terrorize subjugated people. It was outright State terrorism.

43. Indian repression in occupied Jammu and Kashmir had crossed all bounds of civilized behaviour. Nevertheless, the people of Jammu and Kashmir remained steadfast in their resolve to achieve their inalienable right to self-determination. Pakistan would continue to extend them all possible political, moral and diplomatic support.

44. The Kashmir issue was one of the oldest on the agenda of the Security Council. It was imperative that the United Nations should take a more active role to find a just and durable solution in accordance with the wishes of the Kashmiri people, as it had recently done in the case of East Timor, and, earlier, in the case of Namibia. There could not be selectivity between regions and peoples when applying universal principles. The implementation of the relevant Security Council resolutions pledging the right of self-determination for the people of Kashmir would not only enhance the credibility of the United nations, but would also usher in an era of peace and prosperity in the South Asian region.

45. **Mr. Cordeiro** (Angola) said that his delegation aligned itself with the statements made by Nigeria and South Africa on behalf of the Group of 77 and China and the States Members of the Southern African Development Community, respectively. His delegation attached great importance to the issue of racism and racial discrimination, partly because Angola had suffered from discrimination for centuries. As a result of the conflict situation there, considerable numbers of Angolans were living in other countries, and many of them had reported that they had experienced discrimination. Despite laudable efforts in the host countries, much remained to be done to better protect the rights of the groups that were the main targets of racism and racial discrimination.

46. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance would be a significant opportunity to create a new world vision for the fight against any form of racism and racial discrimination in the twenty-first century. Reflecting areas of major concern, his delegation hoped that the Conference would impact the international vision of racial reconciliation, improved dialogue between minorities and majority groups, the education of all members of civil society, including the media and political decision-makers, and the implementation of new strategies and solutions needed to reduce racist acts in all areas.

47. All peoples still living under colonial and foreign domination had the right of self-determination, and consequently his delegation was pleased at the historic accomplishment that had given the people of East Timor success in exercising their right to self-determination. The recent violence in the Middle East was regrettable; it was to be hoped that the attempts toward peace made at Sharm al-Sheikh would promote a resumption of peace negotiations. His delegation continued to be optimistic regarding the resolution of the conflict in Western Sahara through the implementation of the United Nations peace plan. In contrast, the use of mercenaries to hinder the full realization of the right of peoples to self-determination and undermine the sovereignty of States was a source of

concern. In that connection, his delegation welcomed the report of the Special Rapporteur on the question of the use of mercenaries (A/55/334), supported the continuation of his mandate and pledged its full cooperation.

48. **Ms. Barghouti** (Observer for Palestine) said that, most regrettably, the hope and expectation that the people of Palestine would finally be able to exercise its fundamental, inalienable right to self-determination had been dashed once more. Yet only recently, on 8 September 2000, world leaders had adopted the United Nations Millennium Declaration, in which they had reaffirmed their dedication to the resolution of disputes by peaceful means in conformity with the principles of justice and international law, and had reaffirmed the right to self-determination of peoples which remained under colonial domination and foreign occupation.

49. The right of the Palestinian people to self-determination had been on the agenda of the United Nations for a long time. Since 1949, the General Assembly had adopted many resolution on the question of Palestine, including the right of the Palestinians to self-determination. Recently, furthermore, it had taken a more positive step by linking that right to the Palestinian people's right to establish an independent State. In doing so, it had reaffirmed the position of the international community, which held that the realization of the inalienable rights of the Palestinian people was necessary to enable it to determine its political and national destiny, free from oppression.

50. Her delegation emphasized that the national rights of the Palestinian people must be recognized, including, first and foremost, the right to self-determination and the legitimate right to establish an independent State with Jerusalem as its capital. At the current critical period, serious action was required towards the realization of that objective.

51. Israel was still pursuing its oppressive policies and practices, and continuing to create new facts on the ground in order to strengthen, instead of ending, its subjugation and occupation, by building and expanding settlements, sealing off areas in the occupied territory and confiscating Palestinian land. On top of that, new acts of violence were being committed by the Israeli army, which since 28 September 2000 had been waging a campaign of aggression against the Palestinian people that had resulted in more than 100 killings and more than 3000 injuries.

52. In 1999, at the fifty-fourth session, her delegation had expressed the hope that the peace process would soon culminate in a peace treaty between the State of Palestine and Israel, resulting in a just and lasting peace in the entire region. Unfortunately, the situation had deteriorated considerably since that time. The indiscriminate and excessive use of force, the killing of Palestinian civilians and the dehumanization of the Palestinian population were measures that threatened not only regional peace and stability, but the foundations of the peace process itself. It was obvious that Israel was using the peace process to continue its occupation.

53. Her delegation remained committed to the peace process and to the implementation of all signed agreements. Israel must realize that after more than half a century of suffering and injustice, the Palestinian people would not accept anything less than full recognition and respect of their legitimate rights.

54. **Ms. Olea** (Congo) said that her delegation welcomed the report of the Special Rapporteur on the question of the use of mercenaries (A/55/334). Paragraph 29 of the report, in the chapter on Africa, referred to the situation in the Congo, which was beginning to show some signs of hope, after more than two years of armed conflict. After so many wars, the Congo had to re-establish its unity, and peace and the rebuilding of the democratic process were on the Government's list of priorities and matters for urgent attention. Peace had been restored, but the task of peace-building remained, and to that end it was essential for illegally held weapons to be collected and former combatants reintegrated into economic and social life.

55. The official end to the hostilities had come with the signing of two formal agreements late in 1999, and the establishment of a Committee whose function was to enforce those agreements, under the auspices of an international mediator. Subsequently, displaced persons had returned to their homes en masse, life in areas devastated by armed bands had resumed, many voluntary exiles had returned to the Congo, weapons had been and were being collected, and an electoral calendar had been set, marking a return to democracy. A comprehensive nation-wide debate on the preliminary draft Constitution would soon be organized, and general elections would follow shortly thereafter.

56. The Special Rapporteur on the question of the use of mercenaries had suggested that an international investigation should be conducted, but it was unclear what purpose would be served by such an investigation. At a time when the Government of the Congo was seeking to

bring to justice those who had shed innocent blood and committed violations of human rights, determined as it was to adopt no measures that would amount to rewarding aggression or granting impunity, it had been asked to give priority to measures conducive to the promotion of national reconciliation and peace, and it had had to grant amnesty to all those who laid down their arms. Was the proposed investigation to be conducted for the sake of truth and collective memory? If so, the investigation should not be restricted to the most recent conflict, but should cover the entire period since 1993, when the first war crime had been committed.

57. Her delegation doubted whether it was in any way necessary, useful or timely for the Special Rapporteur to continue his work in respect of the Congo, inasmuch as there was no mercenary activity there, nor, indeed, any mercenaries. In view of the fact that, as the Special Rapporteur had noted, the situation in the Congo was moving in a positive direction, her delegation preferred to request the United Nations to revise the security designation downward from level III to level II, both in Brazzaville and in Pointe-Noire. Her delegation took the opportunity to call upon the international community to support the peace-building effort in the Congo.

58. **Mr. Ogurtsov** (Belarus) said that the General Assembly, in its resolution 54/153 of 17 December 1999, had condemned all forms of racism and racial discrimination, including propaganda, activities and organizations based on doctrines of superiority of one race or group of persons, or seeking to institute and disseminate any form of discrimination.

59. As other delegations had pointed out, there was no such thing as a country that was immune from racism and racial discrimination. Racism and racial discrimination were an evil that did not disappear of itself, but assumed new forms and, permeating everyday life, tended to become commonplace. Accordingly, his delegation found it alarming that xenophobic and racist violence was on the rise in many parts of the world, and that the numbers of organizations and groups based on racist and xenophobic ideologies were increasing. Such groups and organizations took advantage of the fruits of democracy, notably print and electronic media and new communication technologies such as the Internet, to incite violence motivated by racial hatred.

60. His delegation noted with satisfaction the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism (A/55/304), and shared his concern at the resurgence of racism, racial discrimination, xenophobia and anti-Semitism, which had been on the decline since 1997. No one could fail to be alarmed upon reading, in the document in question, that far-right organizations, neo-Nazis and skinheads were engaging, on a growing scale, in violent actions such as attacks on foreigners and people of colour and the desecration of cemeteries and monuments. Such a situation called for vigorous measures on the part of the international community. The disturbing facts reported by the Special Rapporteur and an analysis of the content of the general debate clearly showed the critical importance of a draft resolution on measures against neo-Nazism and other ideologies or practices based on racial or ethnic intolerance, hatred and terror. In view of the importance and nature of the questions addressed in the draft resolution, his delegation hoped that Member States would participate constructively in the debate on the draft resolution and would vote to adopt it.

61. There was no point in wasting time on assuring each other that racism and racial discrimination were evils. The objective of the international community was to formulate immediate measures against all forms of violations of human rights. To that end, his delegation placed great hopes in the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which was to be held in 2001. The work and recommendations of the Preparatory Committee afforded some grounds for optimism. It was important not to miss such an opportunity of establishing an effective mechanism for preventing racism in all its forms and manifestations.

62. **Mr. Ahmed** (Bangladesh) said that at the dawn of the new century, when humankind was striving for a better world by working to eliminate hunger, eradicate disease, fight malnutrition and poverty, and create a fulfilling future for all, its efforts were thwarted by persistent hatred, intolerance and discrimination. In the century just past, the progress of humanity had been undermined by war, endemic violence and social strife, and the worst forms of intolerance had resulted in genocide.

63. In his report on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/55/304), the Special Rapporteur of the Commission on Human Rights had noted the rise in violent acts and ideologies which challenged the fundamental values of human rights. Racism, as the Chair of the Group of 77 had said, was an affront to the guiding principles of the United

Nations. It was persisting in new and subtle forms which were often directed toward groups that were vulnerable or different, such as migrants, ethnic and religious minorities, refugees and asylum seekers. Not only new communication technologies, notably the internet, but also traditional communication media were being used as vehicles of racist propaganda, and consequently it was essential to develop appropriate control mechanisms to address the problem. His delegation was looking forward to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held in South Africa in 2001, in the hope that it would be able to take a comprehensive approach to the eradication of all forms of intolerance and renew the fight against racism and racial discrimination. It was through education that the human mind would be freed of intolerance and hatred, which fed on doubts about the other and fear of the unknown. It was for parents, teachers, community and religious leaders and journalists to teach every child to respect diversity and resolve difference through dialogue. In that connection, it was important to promote a culture of peace world-wide through the involvement of all actors.

64. Bangladesh, as a country that had had to fight a war of liberation, set a high value on the right of self-determination. Speaking before the General Assembly in 1974, shortly after the admission of Bangladesh as a Member of the United Nations, the man revered as the father of the new nation had declared that history was on the side of the people, and that justice ultimately triumphed. Much progress had been made since then, but the report of the Secretary-General on the right of peoples to self-determination (A/55/176) made it clear that the task was by no means finished as yet. At its fifty-fourth session, the General Assembly had reaffirmed the right of the Palestinian people to self-determination and had expressed the hope that that right would soon be exercised. But the recent developments were a source of great concern. The cycle of violence must be stopped. His delegation welcomed the agreement reached at the Sharm al-Sheikh meeting, and hoped that a just, lasting and comprehensive peace would be established where the legitimate right of the Palestinian people could be fulfilled.

65. **Mr. Salman** (Iraq) said that while the United Nations had creditably opposed the apartheid regime, the international community was still confronted with the serious problem of racism and racial discrimination in new forms that were based on culture, nationalism, religion or race and were frequently directed against vulnerable groups such as immigrant workers, refugees or religious minorities. Differences between groups were not regarded as a source of cultural enrichment and complementarity, but rather tended to produce a response of rejection, discrimination and marginalization, especially in the developed countries, which were experiencing a rise in new forms of racism related to the growth of racist and neo-Nazi groups. It was especially alarming that anti-Muslim and anti-Arab racist propaganda and hate material were being disseminated by some media sources. In the United States of America and the United Kingdom of Great Britain and Northern Ireland, in particular, Jewish organizations were using the Internet for that purpose, as the Secretary-General had stated in his note entitled "Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance". The note in question gave the names of anti-Arab Web sites, most of which were maintained by Jewish organizations, including the Jewish Defence League, Kahane Homepage (named after Rabbi Kahane), The Twelve Tribes of Israel, Nations of Islam and Blacks and Jews Newspage.

66. His delegation welcomed the prospective World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance which was to be held in South Africa in 2001. It was in favour of an international initiative aimed at setting rules of behaviour for the use of the Internet, provided it was conducted under the auspices of the International Telecommunication Union.

67. Iraq, as a society comprising a number of communities and religions, combated racism and racial discrimination in a cultural and human context based on the ancient cultural heritage of Mesopotamia and the Islamic Shariah. The Code of Hammurabi, which dated from 1700 BC, had been the first code of law that aimed at protecting human rights, while equality between individuals and the elimination of discrimination were enshrined in the Shariah.

68. Iraq's accession, in 1970, to the International Convention on the Elimination of All Forms of Racial Discrimination had been accompanied by the adoption of a number of legislative and constitutional measures aimed at combating racism, notably with a view to reaffirming the rights of the Kurdish ethnic group and other minorities within the framework of Iraq's territorial unity and unity as a people. The autonomy that had been granted to the Kurds in northern Iraq constituted a pioneering initiative,

and their situation was markedly better than that of Kurds in neighbouring States, as the Committee on the Elimination of Racial Discrimination had acknowledged in its concluding remarks on Iraq's fourteenth periodic report. The Committee had complimented Iraq, not only on the autonomous status that it had granted to Iraqi Kurds, but also on its laws and statutory instruments aimed at protecting the cultural identity of the country's Turkoman and Syriac-speaking minorities. In Iraq, the effort to eliminate racism and racial discrimination was indissociable from the struggle against colonialism and hegemony in all forms, which, like the use of force in international relations, constituted a serious violation of the provisions of the Convention and adversely affected its implementation. Iraq's sovereignty and territorial integrity were currently being violated, and it was unable to exercise self-determination in accordance with the principles of international law, because the United States of America and the United Kingdom had been enforcing no-fly zones over the north and south of the country since 1992, on the basis of a unilateral decision with no legal or statutory justification of any kind. In so doing, the two States in question were seeking to divide the nation of Iraq by intervening militarily in the north and using illegal militias to administer the Autonomous Region in that part of the country. The practice was a dangerous one that was likely to foster racism and discrimination, and it was also at variance with Article 4 of the International Convention on the Elimination of All Forms of Racism and Racial Discrimination.

69. The Committee on the Elimination of Racial Discrimination had expressed its concern at the economic and social difficulties that Iraq was experiencing as a result of the economic sanctions and foreign military intervention, which were having a severe adverse impact on the people and had destroyed the country's infrastructure, thereby impeding the implementation of human-rights instruments, notably those relating to the elimination of racial discrimination. The Committee had also stated that the central Government's absence from the northern Governorates, where there were many Kurdish, Turkoman and Syriac-speaking communities, and conflict between the various Kurdish tribes had also made it difficult for Iraq to implement the Convention.

70. His delegation asked the international community to rectify Iraq's anomalous situation and allow it to regain sovereignty over its territory in the Autonomous Region in the north and in the southern part of the country by ending the sanctions regime, which had been criticized, not only by the Committee for the Elimination of Racial Discrimination, but also by the Secretary-General of the United Nations, in March 2000.

71. **Ms. Krichene** (Tunisia) said that at the dawn of the new millennium, the international community cherished the hope that peace and fraternity would be established among the world's peoples. It was time for peoples still suffering under the yoke of colonialism to attain emancipation and exercise, at last, their right to self-determination. The United Nations had contributed substantially to the task of promoting the right of peoples to self-determination, but the Organization's mission in that connection would be complete only when all the peoples of the world that were still subject to foreign domination had won their freedom. The Palestinian people had recently been targeted in attacks that had blindly struck down children and women, in total disregard of the most elementary humanitarian principles. It was essential for the provisions of the relevant international agreements, notably the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, to be duly applied. Her delegation hoped that the agreement reached at Sharm al-Sheikh would lead to the resumption of negotiations between the parties on the basis of the relevant Security Council resolutions, including, in particular, resolutions 242 (1967) and 338 (1973), and the principle of the return of land in exchange for peace, until the legitimate aspirations of the Palestinian people had been fully realized, especially with respect to the establishment of an independent Palestinian State on its national territory with Jerusalem as its capital.

72. Racism, racial discrimination and xenophobia continued to rage throughout the world, in Africa as elsewhere. In recent years, some parts of the continent had been torn by ethnic violence which had compelled entire peoples to seek refuge in neighbouring countries. The way to eliminate all such evils was to bring about the economic and social development of Africa.

73. It was gratifying that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance was to be held in South Africa, a country that had suffered so terribly as a result of apartheid and discrimination. The report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/55/304) showed that more vigorous action against racism was required, especially in view of the resurgence of racism related to the renewed activities of far-right and neo-Nazi organizations. The report also

noted that racist propaganda on the Internet was increasing alarmingly. Her delegation was particularly concerned at the danger represented by the rise of racist ideologies that promoted hatred against foreigners, attacked ethnic, national or religious minorities and advocated racial purity. Such ideologies were frequently characterized by simplistic arguments based on national preference and were sometimes prompted by electoral considerations. Emigrants who had settled legally in their adoptive country were targeted by extremists.

74. **Mr. Moret** (France), speaking on behalf of the States Members of the European Union, noted that, with reference to agenda item 113, the right of peoples to self-determination was enshrined, in identical wording, in Article 1 of both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. It thus occupied a symbolic place in two great international instruments devoted to rights proclaimed in the Universal Declaration of Human Rights. It was by virtue of the right of self-determination that peoples freely determined their political status and freely pursued their economic, social and cultural development. Furthermore, it was as relevant as ever, for the aspiration of peoples to be masters in their own house continued to be a powerful driving force in international relations and the democratic renewal of States. The formation and building of new States and the establishment of new constitutional structures in the course of the decade just past amply demonstrated that all peoples yearned to order their history. The community gathered together within the United Nations was the consequence and outcome of that manifestation of the will of peoples. Accordingly, it was essential for relations among the countries making up that community to be organized around respect for the principle in question and concern for shared interests and cooperation.

75. It was also by virtue of the right of self-determination that peoples disposed freely of their wealth and natural resources. Under no circumstances could a people be deprived of its means of subsistence. That was one of the fundamental principles of the International Covenant on Economic, Social and Cultural Rights, and the international community should mobilize to translate that principle into practice. It was essential for those resources to benefit those who had them, and thereby to contribute to their harmonious economic and social development.

76. The right of peoples to self-determination would, however, be meaningless unless it were possible for the individuals making up those peoples to express their will in accordance with their convictions and opinions, and in the full enjoyment of freedom of conscience and freedom of religion. That right would be as nothing if they could not associate and exchange views, in particular through the medium of a free press. Lastly, that right would amount to little in the absence of stable democratic institutions and the opportunity for every individual to take part in free elections held at regular intervals.

77. The right of self-determination was a fundamental right. It incorporated in exemplary fashion the principles of the indivisibility and interdependence of human rights, which had been reaffirmed at the World Conference on Human Rights in Vienna. The European Union wished to reaffirm its commitment to the right of self-determination, which it regarded as an integral part of every individual's fundamental rights.

78. **Mr. Wyatt** (European Community) said that, in the framework of preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, a conference had recently been held in Strasbourg, with active participation by civil society. On that occasion, the Commissioner for Human Rights of the Council of Europe had stated, "With racism and intolerance gaining ground, this is no time for resignation, but a time for determination and action."

79. The European Union was currently developing initiatives to halt the rise of extremist and racist organizations, and it was vital that political leaders should continue to make it clear that society would not tolerate racism, xenophobia or any forms of discrimination, and that effective measures to root them out were being taken. International cooperation to that end was essential, and, accordingly, in 1997 the European Union had set up a monitoring centre in Vienna to report on levels of racism across the Union and highlight good practices to combat it. It did so through research, through regular expert meetings and through the RAXEN, the new European information network. It helped the Community to identify the victims of racism and the barriers to successful integration that they faced, and to measure the success of the various policies deployed to help them. The Centre's work would be of great value as the Community pushed ahead with practical action. Progress in some areas had been remarkably fast, highlighting the European Union's determination to act and the strong political consensus on the issue. The Council had unanimously adopted a directive prohibiting racial discrimination in the areas of employment, education, social security, health care,

access to goods and services and housing, and ensuring that victims of discrimination would have effective rights of redress. The new legislation would reinforce the Union's fundamental values of liberty, democracy and the rule of law. The directive also required Member States to designate a body for the promotion of equal treatment which would provide assistance to victims of discrimination in pursuing complaints. Ensuring common standards of protection across Europe had also been the chief objective of the Council's Joint Action on Police and Judicial Cooperation in 1996. The aim of the Joint Action had been to strengthen cooperation between Member States and prevent perpetrators of racist violence from exploiting differences in legislation within the Union. A report on implementation of the Joint Action was due for the end of the year, and the Community would use its findings to assess the need for other such measures covering, for example, the use of the Internet for racist activities.

80. It was essential for the police and judiciary to implement changes in the law effectively, to treat racially motivated crime seriously and to eradicate racism from their own ranks. The Community provided funds for training and exchange programmes aimed at achieving those objectives.

81. On 17 October 2000, the Council had agreed to establish a six-year programme of action with three objectives: to study the prevalence of discrimination in the Union and the effectiveness of methods used to combat it; to support cooperation between Governments, non-governmental organizations, local and regional authorities, research institutes and social partners; and to disseminate the results of the programme to key people throughout the Community. It was also important to ensure that other policies contributed to the fight against racism and discrimination, especially discrimination against women. The current fifth research framework programme included a study of xenophobia, racism and migration in Europe. Funding for awareness campaigns was available through education and training programmes.

82. With respect to employment, Member States were required to dismantle barriers that restricted access to employment, education and training for minorities. The Community had launched a new initiative which would provide around €3 billion over six years for projects to promote equality in the labour market.

83. With respect to immigration and asylum policy, the European Council had stressed the need for a more vigorous integration policy; nationals of other States should be granted rights and obligations comparable to those of citizens of States Members of the European Union. A Refugee Fund had been established, and the Community was considering draft Directives on the right to family unification, temporary protection of displaced persons, and minimum standards for procedures for granting and withdrawing refugee status.

84. The European Union aimed to help other countries that were seeking to become members by allowing them to participate in the action programme against discrimination. Under the European Initiative for Democracy and Human Rights, non-governmental organizations in central and eastern Europe and newly independent States were eligible for support for the strengthening of civil society, combating racism and promoting tolerance.

85. In 1999, the second phase of a joint programme between the European Commission and the Council of Europe on the promotion of the rights of national minorities in central and eastern Europe had been launched.

86. The European Community was looking forward to participating in the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which it hoped would be as inclusive as possible. In the meantime, it was contributing to the preparatory events and providing generous funding for the participation of non-governmental organizations.

87. **Ms. Nacro** (United Nations Population Fund (UNPFA)) said that the Programme of Action adopted by the International Conference on Population and Development (ICPD) had marked the beginning of a new era in the international community's commitment to raise the quality of life and improve the welfare of human beings. The Programme of Action recognized that the problems faced by indigenous peoples in such areas as human rights, the environment and health were directly related to the purpose of the ICPD. The Programme of Action was also aimed at ensuring the protection of migrants against racism, ethnocentrism and xenophobia. The need to promote the rights of indigenous peoples and to protect migrants, refugees and internally displaced persons had again been stressed at the five-year review of ICPD.

88. At the Millennium Summit, world leaders had agreed "to take measures to eliminate the increasing acts of racism and xenophobia in many societies, and to

promote greater harmony and tolerance in all societies." UNPFA, for its part, was fully committed to the goals of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and had been participating in the preparatory activities. It was being represented by its country offices at the regional expert meetings organized around key themes that would be addressed at the Conference. It had also fully participated in the International Day of the World's Indigenous People on 9 August 2000, and in the preparatory consultation for the Conference that had been held the following day. That consultation had resulted in a draft declaration by indigenous people which would be discussed at the Conference.

89. In addition, UNFPA had been providing reports to the Office of the High Commissioner for Human Rights on its programmes and activities that addressed the issue of racial discrimination. In Latin America, for example, UNFPA had been providing culturally sensitive reproductive health information for indigenous and marginalized people, refugees and internally displaced persons. In 2001, UNFPA was planning to hold an International Round Table on Indigenous Peoples and Reproductive Health and Gender. In collecting accurate information on the reproductive health status of indigenous peoples and building partnerships with them for the development of programmes that would better respond to their needs, UNFPA would be contributing to the work of the World Conference on Racism. UNFPA would also continue to participate in future preparatory meetings and consult with its partners.

The meeting rose at 12.40 p.m.

United Nations A/C.3/55/SR.30

General Assembly
Fifty-fifth session

Official Records

Distr.: General
24 November 2000

Original: English

Third Committee

Summary record of the 30th meeting
Held at Headquarters, New York, on Friday, 20 October 2000, at 3 p.m.

Chairperson: Ms. Gittens-Joseph ..... (Trinidad & Tobago)

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* Items which the Committee had decided to consider together.

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00-70100 (E)

The meeting was called to order at 3.10 p.m.

Agenda item 110: Promotion and protection of the rights of children (*continued*) (A/C.3/55/L.17)

Draft resolution A/C.3/55/L.17: The girl child

1. **Ms. de Wet** (Namibia), speaking on behalf of the sponsors, introduced the draft resolution and informed the Committee that the delegations of Afghanistan, Austria, Bosnia and Herzegovina, Bulgaria, Costa Rica, Croatia, the Dominican Republic, the Gambia, Iceland, India, Ireland, Jamaica, Kenya, Liberia, New Zealand, Paraguay, Peru, the Philippines, the Republic of Korea, Romania, Singapore, Thailand and Viet Nam wished to join the sponsors.

Agenda item 107: Advancement of women (*continued*) (A/C.3/55/L.14)

Draft resolution A/C.3/55/L.14: Improvement of the status of women in the United Nations system

2. **The Chairperson** informed the Committee that the draft resolution contained no programme budget implications.

3. **Ms. Wilcox** (Canada), speaking on behalf of the sponsors, introduced the draft resolution and informed the Committee that the delegations of Afghanistan, Antigua and Barbuda, Bahamas, Barbados, Belarus, Benin, Bolivia, Burkina Faso, Cambodia, the Congo, Croatia, Ethiopia, the Gambia, Guinea, Guyana, Hungary, Israel, Jamaica, Japan, Latvia, Liberia, Malawi, Malaysia, Malta, Micronesia, Monaco, Morocco, Namibia, the Niger, Paraguay, Peru, Poland, the Republic of Moldova, Romania, Senegal, Sierra Leone, Spain, the Sudan, Swaziland, Turkey, the United Republic of Tanzania, the United States of America and Venezuela wished to join the sponsors.

4. She had a number of revisions to make to the text. At the beginning of the fourth preambular paragraph, the word "Welcoming" should be replaced by "Taking note of the"; the sixth preambular paragraph should be deleted; in the tenth preambular paragraph, the words "at the P-5 level" should be replaced by the words "at some levels of the Secretariat", the words "to the P-4 level" should be replaced by the words "to one particular level", the word "also" should be inserted before the words "at the slow incremental pace" and a footnote should be added, reading "See the report of the Secretary-General: Improvement of the status of women in the Secretariat (A/55/339), para. 4".

5. Paragraph 1 (a) should be renumbered paragraph 1, and, at the beginning of the paragraph, the word "Welcomes" should be replaced by the words "Takes note with appreciation"; in paragraph 2, the words "at the D-1 level and above" should be replaced by the words "especially at senior and policy-making levels"; former paragraphs 1 (b) to (g) should be renumbered as paragraphs 3 (a) to (f) and former paragraph 3 should be renumbered paragraph 4; former paragraph 4 should be renumbered paragraph 5 and, within that paragraph, the words "the Economic Commission for Africa, the Economic Commission for Europe, the Economic Commission for Asia and the Pacific, the United Nations Centre for Human Settlements (Habitat), and the United Nations Conference on Trade and Development" should be deleted, the word "them" should be deleted and replaced by the words "the Secretary-General", the word "their" should be replaced by the word "his", the words "within all departments and offices of the Secretariat" should be inserted following the words "gender balance" and a new footnote should be added at the end of the paragraph, reading "As identified in para. 15 of the report of the Secretary-General: Improvement of the status of women in the Secretariat (A/55/339)". Paragraph 5 should be renumbered 6 and, in the introduction to the paragraph, the word "to" should be replaced by "in order inter alia to achieve the goal of 50/50 gender distribution with full respect for the principle of equitable geographical distribution, in conformity with Article 101, paragraph 3, of the Charter of the United Nations"; in the new paragraph 6 (a), the words "Develop innovative recruitment strategies" should be replaced by the word "To"; in the new paragraph 6 (b) the words "and the further development of mechanisms to effectively encourage, monitor and assess the performance of programme managers in meeting targets for improving women's representation" should be replaced by "and the further development of monitoring and assessment mechanisms to meet targets for improving women's representation". Former paragraphs 6 and 7 should be renumbered paragraphs 7 and 8, respectively. Former paragraph 8 should be renumbered paragraph 9; and in the new paragraph 9 (a), the words "the D-1 level and above" should be replaced by "senior and policy-

making levels". Lastly, the former paragraph 9 should be deleted.

6. **The Chairperson** said she took it that the Committee wished to adopt draft resolution A/C.3/55/L.14, as orally revised, without a vote.

7. *It was so decided.*

Agenda item 112: Elimination of racism and racial discrimination (*continued*) (A/55/18 and Add.1, A/55/203, 266, 285, 304, 307 and 459; A/C.3/55/L.20)

Agenda item 113: Right of peoples to self-determination (*continued*) (A/55/176 and Add.1, and A/55/334)

8. **Mr. Al-Shaheen** (Kuwait) said that Kuwait greatly appreciated the endeavours of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and considered that implementation of the recommendations in his report (A/55/304) was of the greatest importance. It also appreciated the report of the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/55/307).

9. Kuwait's position on the elimination of racism and racial discrimination was informed by the values of Kuwaiti society and the principles of Islam, which rejected all forms of racial discrimination as grave violations of human rights.

10. Kuwait had made great strides with regard to human rights in general and in combating all forms of racial discrimination. At the national level, it had taken many legal and practical measures with a view to making anti-discrimination activities more effective. At the international level, it had increased cooperation in the field of human rights and become a party to the main human rights instruments. Under the Constitution, such instruments took on the force of law.

11. Convinced of the relationship between improved human rights and enhanced economic and social conditions, Kuwait always highlighted that relationship in its foreign policy. It steadfastly promoted the activities of non-governmental organizations which offered economic and social assistance to other countries, and granted a great deal of development assistance to developing countries.

12. **Mr. Ateaga** (Chile) observed that despite the efforts of the international community, racial discrimination, ethnic conflicts and generalized violence in various regions of the world had often resulted in ethnic cleansing. Racial minorities, migrants, asylum-seekers and indigenous peoples had all fallen victim to intolerance, and millions of human beings continued to be discriminated against simply because of the colour of their skin or ethnic origin. He therefore welcomed the General Assembly's decision to convene a World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance as an expression of the international community's concern at the rising number of racist incidents and of its recognition of the challenges involved in combating racism in an increasingly globalized world. He promised his delegation's full support to the High Commissioner for Human Rights, as the Secretary-General of the Conference. The opportunity to host the regional preparatory conference from 5 to 7 December 2000 was especially significant for Chile: it highlighted the relationship between its foreign policy and its relationship with civil society, stressing the individual as well as concern for human rights on both the national and international levels.

13. The end of the cold war had brought with it such phenomena as globalization, which fundamentally affected relations among States and among members of society. The accompanying revolution in communications and the combination of information technology, the Internet and electronic commerce had the potential to bring about change as profound as the industrial revolution. It should promote better, more direct relations between people, without regard to distance, culture or economic status. The challenge was to take full advantage of the opportunities offered while at the same time working to counter negative effects such as racism and xenophobia.

14. The regional preparatory conference would provide an ideal opportunity to help make the fight against racism a priority for the international community. Prior to the conference, a citizens' forum involving mainly non-governmental organizations would be held, organized by Chilean non-governmental organizations. His Government welcomed that meeting, in keeping with its policy of close collaboration with organizations of civil society. The forum would promote the widest possible participation and exchange

of information between civil society and the regional conference.

15. The World Conference against Racism would be the first major United Nations conference of the century. Its theme had been a priority for the Organization since its beginnings, and he stressed the need for renewed vigour in combating intolerance and discrimination and expressed the hope that the regional conference would define clear measures and reasonable compromises which would help the region eliminate intolerance and discrimination.

16. **Mr. Chakraborti** (India) said it was misconception to think that since racism was no longer a State ideology it was a marginal problem. Globalization had exacerbated racism, with which the international community must grapple. Although imperialism and colonialism had died, attitudes ingrained over the course of generations persisted, and must be confronted.

17. As a result of globalization, populations until recently homogeneous had been forced to come to terms with the different races and cultures of new immigrants. Some had accepted the challenge of becoming multicultural, multi-ethnic States; others had found it difficult not to define their nationality in terms of race. The immigration policies of most developed countries were designed to keep out, or to regulate the entry of, peoples of different racial or cultural backgrounds. Most visas were allotted for menial jobs, confirming the attitude that such races were inferior. At the same time, migrant workers sparked resentment on the part of native workers.

18. Those were systemic flaws that could only be redressed by sustained attention from the Government and society. And yet, if attention was paid only to extreme manifestations of prejudice, racial discrimination would never disappear. Much attention, for instance, was paid to manifestations of racial hatred on the Internet, while the open racial prejudice of the mainstream international media was ignored. The third world was given international news coverage only in the event of catastrophes, supporting the idea that their populations were incompetent, corrupt or violent, reinforcing prejudices and insidiously affecting the formulation of policies. Those issues must be looked at squarely by the World Conference.

19. As to the right of peoples to self-determination, established in General Assembly resolution 1514 (XV), that right had been distorted for political ends. In 1986, the International Court of Justice had ruled that the primary aim of self-determination was to secure respect for the territorial boundaries of countries. Self-determination clearly fell within the scope of colonization, and was bound by the concepts of territorial integrity, sovereignty and non-interference. In the same vein, the 1993 Vienna Declaration and Programme of Action had reaffirmed the idea that self-determination should not be construed as authorizing or encouraging any action which would impair the territorial integrity or political unity of sovereign and independent States, and had underscored the interdependent, mutually reinforcing nature of democracy, development and respect for human rights. In independent States, self-determination was best maintained by the exercise of democratic choice. Dignity, freedom, justice, tolerance and plurality were based on the full and equal participation in governance of each citizen in any open democracy.

20. **Mrs. Viotti** (Brazil) said that her country was proud of its varied ethnic identity, and conscious of its tradition of harmonious coexistence among races, cultures and religions. It had embraced the convening of the World Conference against Racism, and had actively participated in its preparations. The Government was aware of the significance of holding that important meeting in South Africa, a country exemplary in its struggle against institutionalized discrimination, and in Africa, the continent that had suffered most from colonialism.

21. The Government of Brazil wished to acknowledge the important work of the Special Rapporteur on contemporary forms of racism, who had stressed that the Internet was the preferred medium for incitement to racial hatred and for the dissemination of racist and xenophobic ideas. In preparation for the Conference, strategies must be designed to eradicate those phenomena. While the spread of democracy stood to promote equality and justice, its misuse for the undemocratic purpose of disseminating racism was a serious cause for concern. During the latest session of the Commission on Human Rights, Brazil had co-sponsored a consensus resolution on the incompatibility between democracy and racism.

22. The Government of Brazil was endeavouring better to focus its campaign against racism, and to seek solutions in a transparent and participatory manner. It was committed to an open discussion in that regard

with the Brazilian Congress, the media, and non-governmental organizations. The internal consultative process of preparing for the World Conference had begun; the aim was to include a wide spectrum of social movements, non-governmental organizations, academic institutions and experts. A national committee had recently been established, with equal representation of governmental and non-governmental bodies, with a view to achieving a balanced analysis of the agenda. Her Government also intended to take an active part in the regional preparatory meetings to be held in Santiago.

23. Brazil being fully committed to the eradication of all forms of racism and racial discrimination throughout the world, commended the important initiatives undertaken by the United Nations in that field and hoped that the World Conference would pave the way for a new century free of racism and xenophobia.

24. **Mr. Tekin** (Turkey) expressed concern that discrimination and intolerance, in their most subtle and contemporary forms, were on the rise and posed a serious threat to social peace and harmony in many multicultural societies. He noted the upsurge in racist violence, stemming mainly from the activities of far-right organizations, and the increasing use of the Internet to promote xenophobia. The 3 million Turkish citizens living outside Turkey had bitter experiences of how easily foreigners could become targets of xenophobic attacks.

25. His delegation attached great importance to the development of an effective international strategy to combat racism and fully supported the holding of the World Conference in South Africa, a country whose people had suffered greatly under the apartheid regime. His Government was participating actively in the preparations and he hoped that the Conference would propose effective strategies and mechanisms to eradicate racism.

26. Merely enacting laws against intolerance and discrimination did not automatically eliminate racism; effective legal protection must be provided and States must impose penalties to deter racially motivated offences as well as make every effort to promote tolerance and increase awareness of the dangers of intolerance. Governments must also streamline their immigration and asylum policies with a view to promoting greater acceptance of multiculturalism. Such efforts, combined with international initiatives such as the World Conference, would help build a racism-free future where peace, diversity, equality, tolerance and mutual respect prevailed.

27. **Mrs. Monroy** (Mexico) said that, despite the constant efforts of the international community, racism, racial discrimination, xenophobia and related intolerance continued to prevail in various parts of the world. The racial hatred that led to ethnic-cleansing campaigns and other forms of discrimination against minorities, indigenous populations and migrant workers must be eradicated. It was particularly alarming that the Internet was being used to encourage hatred and promote intolerance and xenophobia among young people.

28. Her Government hoped that the World Conference would set specific objectives to be achieved at the national, regional and international levels. It welcomed the agreement on the five themes to be included in the provisional agenda for the Conference, particularly those concerning the victims of racism, racial discrimination, xenophobia and related intolerance, and international cooperation to combat those phenomena.

29. The World Conference must analyse the situation of vulnerable groups, particularly indigenous peoples and migrants, and, taking into account indigenous traditions and customs, must strengthen action to guarantee access to justice. It should also consider the issue of the human rights of migrants, who were being subjected to acts of xenophobia, in various parts of the world, without regard for their contribution to the society and economy of the host country. The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families must enter into force as soon as possible, and there was an urgent need to strengthen international cooperation on trafficking in migrants.

30. The World Conference should make specific recommendations about the double discrimination still suffered by women, and should bear in mind other groups which also needed special attention, such as children, the disabled, the elderly, and persons suffering from HIV/AIDS.

31. **Mrs. Romulus** (Haiti) said that her delegation subscribed to the statements made by the representative of Antigua and Barbuda on behalf of the Caribbean Community and by Nigeria on behalf of the Group of

77 and China. Her Government shared the concerns of the international community about the eradication of racism and related intolerance. Since its founding in 1804, Haiti had instituted a tradition of racial tolerance, and that principle had been enshrined in the first Constitution. Although the 1987 Constitution did not explicitly refer to racial discrimination, it did refer to the Universal Declaration of Human Rights and the first Constitution. Moreover, Haiti had a tolerant attitude towards foreigners of all races.

32. Haiti had always fought for racial equality and had participated in the struggles of enslaved peoples for freedom from racial discrimination. Yet Haitians searching for a better life in neighbouring countries were suffering all kinds of humiliations, and their situation was ignored by everyone, and above all by the media.

33. The report by the Special Rapporteur of the Commission on Human Rights (A/55/304) provided a fairly full picture, particularly of contemporary forms of racial discrimination. That complex phenomenon must be carefully analysed. Adults must maintain constant vigilance so as to avoid transmitting to children attitudes of contempt for other human beings.

34. **Mr. Salman** (Iraq) said that the right to self-determination was the most basic of human rights: without it, no other human rights could be enjoyed, by either the individual or society. Since 1991, the United States of America and the United Kingdom had made sustained efforts to interfere in the internal affairs of Iraq with a view to destabilizing it and threatening its territorial integrity. In order to further their aims, which were completely incompatible with the Charter of the United Nations and international law, the two Governments had unilaterally imposed no-fly zones on northern and southern Iraq, and used military force to maintain them. They had heavily bombarded Iraq, killing or wounding large numbers of civilians and causing substantial damage to civilian installations. The United States and the United Kingdom bore full international responsibility for their illegal operations, in which the Kuwaiti and Saudi regimes colluded by providing support and facilities.

35. Clearly, the main aim was to overthrow the Government of Iraq and replace it with a client regime that would further their regional interests. The United States Administration made no secret of its shameless interference in Iraq's internal affairs, in blatant violation of the right to self-determination and the equality of States. That aggression violated the right of the Iraqi people to choose their political and economic systems and threatened their legitimate Government. The measures taken by Iraq to counter that hostile policy were in accordance with the Charter and international law, and deserved support. Furthermore, Iraq affirmed its right to seek compensation for the material damage and psychological harm it had sustained as a result of those hostile attacks.

36. **Mr. Tekle** (Eritrea) said that the post-cold-war period was characterized by two contradictory trends in race relations. While efforts were being stepped up to eliminate all forms of racism, those phenomena were re-emerging in more sophisticated and subtle ways. One of the most serious forms of racism — which was on the increase in many parts of the world, including the Horn of Africa — was ethnic exclusivity.

37. In Ethiopia, an ethno-apartheid system had been inaugurated by the minority regime under the guise of ethnic federalism and was being savagely used to victimize the other ethnic groups in the country and to promote the exclusive interests of one ethnic group, the Tigreans. The victimized ethnic groups were regarded as adversaries and a threat to the prosperity and identity of the ruling group.

38. Although the Constitution provided for the equality of all citizens and ethnic groups in Ethiopia, special measures were constantly being taken by the minority regime to promote the advancement of the Tigrean ethnic group at the expense of other groups. At the same time, the regime was forcibly annexing large swathes of territory belonging to other ethnic groups, thereby ensuring hegemonic control by the State and an exploitative relationship with other regions.

39. While the Ethiopian Government was purportedly run by a coalition, the Tigray People's Liberation Front had hegemonic control of the country. It controlled ethnic administrative regions through Tigrean cadres who dictated policy and ensured its implementation. Non-Tigreans were not welcome in Tigray, while Tigreans were able to work wherever in Ethiopia they wished.

40. Xenophobia permeated Ethiopian politics. Identity politics as preached and practised by the minority regime in Ethiopia had created hostility between Tigreans and other ethnic groups or peoples of

neighbouring States and given rise to escalating conflict within Ethiopia and outside its borders.

41. Ethiopia's policy of ethnic domination and exploitation had become a threat to national, regional and international peace. It was encouraging that the human rights mechanisms of the United Nations were adopting a more proactive and preventive approach. The policy of the minority regime of Ethiopia must be condemned. It could no longer be argued that doctrines of ethnic or racial domination were practised by white people only, and that only white people must be held accountable.

42. **Mrs. Al-Hajaji** (Libyan Arab Jamahiriya), commenting on item 113, said that, since the end of the cold war, it had been claimed that "humanitarian intervention" was a means of settling disputes, ending strife and protecting vulnerable minorities. However, operations carried out in the 1990s, especially the late 1990s, had made it clear that the world's super-Power was attempting to further its own interests and extend its influence and that it cared nothing for human rights or minorities: intervention had been selective and not governed by any rules. Globalization made the super-Power's agenda even clearer: barriers of all kinds had been broken down in order to facilitate the extension of its hegemony.

43. Intervention on the pretext of protecting human rights and vulnerable minorities was a blatant violation of international law. An attempt was made to confer legitimacy on such intervention and make it internationally acceptable by involving the United Nations, but the fact remained that it was carried out selectively.

44. The calls made during the fifty-fourth session of the General Assembly claiming the "right to humanitarian intervention" when States perpetrated human rights violations annulled, in effect, the sole criterion for membership in the United Nations, namely, national sovereignty and independence. So-called humanitarian intervention constituted a violation and an arbitrary interpretation of the Charter that would undermine the United Nations and jeopardize relations between States, as well as threaten the security of peoples and their right to self-determination. Recent intervention, whether political or military, had restricted national sovereignty and amounted to intervention in the internal affairs of States. Her delegation categorically rejected such intervention.

45. **Mr. Singh** (Executive Coordinator, World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance) said that he welcomed the support expressed for the World Conference and the growing awareness and understanding of the issues and themes. There were four tasks to be carried out over the coming months: to build greater public awareness of the objectives of the Conference, for which the support of Governments, non-governmental organizations and civil society was needed; to compile and publicize best practices; to consider the problems which still remained, with a view to finding solutions; and to promote the Conference as the focal point of a process that would continue towards the goal of building a multiracial, multicultural and multi-ethnic society.

46. **Mr. Glèlè-Ahanhanzo** (Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) said that the Committee's deliberations showed an awareness that the phenomenon of racism was not limited to particular peoples or groups, but was a worldwide problem, and that racism took very subtle forms in daily life. He was gratified that the international community had mobilized in favour of holding a World Conference. He called on Governments and non-governmental organizations to continue their reflections and, without making accusations or stigmatizing countries, but by engaging in dialogue, to go forward to eradicate racism in all its forms.

Statements in exercise of the right of reply

47. **Ms. Bharghouti** (Observer for Palestine) said that the Israeli representative had falsely stated, at the preceding meeting, that 99 per cent of Palestinians lived under the rule of the Palestinian Authority. The international community had noted that Israeli helicopter gunships had fired missiles at Palestinian towns and Israeli tanks had rolled into Palestinian areas; it had seen the Israeli occupying force using indiscriminate and excessive force against Palestinian civilians. Clearly, the whole of the Palestinian Territory was under Israeli occupation.

48. The Israeli representative had stated that those Palestinians who chose to send their children out to participate in acts of violence and aggression bore full responsibility for the results of that criminal abuse of children — a racist and insensitive remark. As the

scholar Dr. Hanan Ashrawi had pointed out, blaming the victim was a common means by which the guilty party rationalized and distorted the horror of its crime, whether the victim was a battered wife, an abused child or a Palestinian subjected to the brutality of the Israeli occupation.

49. The father of the 12-year-old boy Mohammed al-Durra had not wanted his son to join the long list of Palestinians killed by the Israeli army: he had begged them to spare the life of his son, who had been shot and killed as the world watched. That incident contradicted the words of the Israeli representative, and revealed that the Israeli army had no regard for the lives of Palestinians, especially Palestinian children.

50. **Ms. Ali** (Ethiopia) said that, at an earlier meeting, her delegation had revealed the extent of the atrocities inflicted on Ethiopians living in Eritrea by the Eritrean regime. All statements subsequently made by the Government of Eritrea had been designed to mislead the international community and to cover up its inhumanity. The Government of Ethiopia could not accept false allegations and lies.

51. **Mr. Tekle** (Eritrea), replying to the statement by the representative of Ethiopia, said that Mr. Dieter Oberndorfer, a professor of political science at the University of Freiburg, had remarked that Ethiopia had received more donor assistance during the 1990s than almost any other country in Africa, and that the political repression, human rights violations, lack of political pluralism and restrictions on freedom of opinion that were occurring there had scarcely been noticed by the donor community. According to him, international development cooperation was the lifeline of the regime, and served to aggravate the crisis by stabilizing a system that practised total control of society.

52. The *Ethiopian Review* had noted that Tigray political and economic domination was the policy of Prime Minister Meles, and that, under the guise of privatization, nationalized assets were being transferred to Tigreans and other supporters of the Tigray People's Liberation Front (TPLF). It had then stated that never in the history of Ethiopia had so few confiscated so much wealth from so many in such a short period of time. Mr. Tilahun Yilma, a professor of medicine at the University of California, had observed that that was the first time since Mussolini's unsuccessful effort that a totally ethnic, predatory and repressive State had been imposed on Ethiopians.

The meeting rose at 4.50 p.m.

United Nations A/C.3/55/SR.31

General Assembly
Fifty-fifth session

Official Records

Distr.: General
1 December 2000
English
Original: Spanish

Third Committee

Summary record of the 31st meeting
Held at Headquarters, New York, on Monday, 23 October 2000, at 3 p.m.

Chairperson: Ms. Gittens-Joseph ..... (Trinidad and Tobago)

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00-70334 (E)

The meeting was called to order at 3 p.m.

Agenda item 111: Programme of activities of the International Decade of the World's Indigenous People (*continued*)

Draft resolution A/C.3/55/L.19

1. **Mr. Pruzan-Jorgesen** (Denmark) introduced draft resolution A/C.3/55/L.19, entitled Programme of activities of the International Decade of the World's Indigenous People, and announced that Armenia, Austria, Bolivia, Bosnia and Herzegovina, Costa Rica and the former Yugoslav Republic of Macedonia had become sponsors. He also pointed out that a correction had been made to the text: in the last line of the English version of paragraph 7 (e), the word "developing" should be replaced by "elaborating", which was the word that had figured in the version submitted to the Secretariat.

2. After summing up the main elements of the draft resolution, he said that the text was a slightly updated and modified version of the resolution that had been adopted during the previous session on the International Decade of the World's Indigenous People, and recorded the progress achieved since then in promoting the goals of the Decade. Since the draft had been prepared in open-ended consultations with the participation of all, he hoped that it could be adopted without a vote.

Agenda item 114: Human rights questions (A/55/3, A/55/280/Add.1 and 2, A/55/296/Add.1, A/55/133-S/2000/682, A/55/309, A/55/310, A/55/375, A/55/473, A/C.3/55/4)

(a) Implementation of human rights instruments (A/55/40 (Suppl. No.40), A/55/44 (Suppl. No.44), A/55/178, A/55/204, A/55/205, A/55/206 and A/54/805, A/55/207, A/55/208, A/55/278, A/55/290, A/55/313 and A/55/438-SR/2000/931)

3. **Ms. Stamatopoulou** (Deputy Director of the Office of the United Nations High Commissioner for Human Rights) said that one of the objectives of the Millennium Assembly had been to support universal ratification of the core human rights treaties, and that, during the course of those three days, 273 countries had signed, ratified or acceded to those instruments, an unprecedented number. The sole, and regrettable, exception was the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which had not received the requisite support and still needed the accession of another six States before it could enter into force.

4. Reviewing the work of the human rights treaty bodies, she said that the Committee on Economic, Social and Cultural Rights, in addition to considering reports submitted by States parties, was continuing to develop jurisprudence by preparing general comments on the provisions of the Covenant. Since that task was carried out with the assistance of the specialized agencies, United Nations organs, academic institutions and experts from around the world, the comments reflected a truly universal approach to the promotion and protection of economic, social and cultural rights.

5. The Human Rights Committee, for its part, continued to face the problem of States parties failing to appear before the Committee on the scheduled dates for the consideration of their reports. The Committee had embarked on the process of reviewing its working methods in relation to reports of States parties, and would report on its progress to the General Assembly during its fifty-sixth session.

6. The Committee against Torture was continuing its work on the four confidential inquiries under article 20 of the Convention. Forty-two States parties had accepted the competence of the Committee to consider communications submitted under article 22 of the Convention. During their two most recent sessions, the Committee had examined 18 communications, formulated 11 final views on the merits of communications and found one violation of the Convention.

7. The implementation of the human rights treaties was hampered by a lack of sufficient resources for the treaty monitoring bodies. That subject had been discussed at the meetings of chairpersons of the human rights treaty bodies; at the meeting of June 1999, the chairpersons had decided to adopt a plan of action to strengthen the implementation of the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Two more plans of action had been adopted, one related to the Convention on the Rights of the Child, and the other to the International

Covenant on Economic, Social and Cultural Rights. In the context of its annual appeal for extrabudgetary contributions, the High Commissioner for Human Rights had sought contributions for those three plans of action. The additional resources received had produced considerable improvements. For instance, it had been possible to continue to employ specialized staff for the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights, and to recruit additional staff to assist the Human Rights Committee. In addition to the plans of action, at the 2000 meeting the Chairpersons of the treaty monitoring bodies had discussed ideas for improving functioning and promoting coordination, and had reviewed the role of the annual meeting, with a view to making it a more effective mechanism for reform.

8. The need for a profound structural reform was long overdue. The Office of the High Commissioner was therefore pleased that the Chairpersons of the monitoring bodies, the Secretariat, and the States parties were considering that matter. Those discussions had been sparked by the report of the independent expert of the Commission on Human Rights on enhancing the long-term effectiveness of the United Nations human rights treaty monitoring system. The most recent report of the independent expert, which had been submitted to the Commission on Human Rights in 1997, raised many questions which continued to be relevant to the functioning of the treaty bodies. At the request of the General Assembly, a second round of consultations had been conducted on that report by Governments, United Nations bodies, the specialized agencies, and interested persons. The General Assembly had before it all the relevant documents.

9. **Mr. Le Bret** (France), speaking on behalf of the European Union and the associated countries, namely, Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, and of Cyprus, Malta and Turkey, which also supported his statement, said that the World Conference on Human Rights had contributed to the attainment of the goal of universal ratification of the human rights treaties and protocols. Altogether, only 100 countries had signed the six major international instruments. The European Union was pleased that the appeal launched by the Secretary-General had given rise to new commitments and urged Member States that had not yet done so to become parties to the human rights treaties without delay.

10. Events such as the Millennium Summit, the tenth anniversary of the Convention on the Rights of the Child and the Beijing + 5 meeting had offered the international community the opportunity to promote adherence to the respective human rights instruments. The upcoming special session of the General Assembly for Follow-up to the World Summit on Children and the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance would galvanize new activity on behalf of human rights. In that regard, he wished to emphasize the importance of the right to education and urged States to step up their efforts in that area.

11. In the view of the European Union, it was important for States, when becoming parties to a treaty, to limit their reservations and to refrain from formulating reservations that were incompatible with the spirit of that instrument. Accordingly, the Union closely monitored reservations to human rights treaties, and had in certain instances taken measures concerning, for example, reservations formulated by certain countries with regard to article 6, paragraph 5 of the International Covenant on Civil and Political Rights, which prohibited the application of the death penalty to children.

12. It was important that, in addition to legal measures, States parties should take practical steps to ensure the application of international instruments at the national level. Another important element was continuous interaction between the treaty monitoring bodies and States. In that respect, the European Union commended the work done by the various treaty bodies, which inter alia, facilitated implementation by formulating recommendations.

13. The beneficiaries of the rights enshrined in the treaties must be able to assert those rights. For that reason, the European Union welcomed the entry into force of the most recent individual complaint mechanism, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

14. The European Union was aware of the need to strengthen the application of economic, social and cultural rights and believed that before establishing the communications system provided for in the corresponding Optional Protocol, it was necessary to weigh all the legal aspects of the question. An additional protocol to the Convention against Torture

was also under negotiation, with a view to giving that instrument an effective oversight mechanism. The European Union called upon all States to accede to that Convention.

15. It was crucial that the treaty monitoring bodies should be given the necessary human and financial resources and that they should harmonize their work and fit coherently into the United Nations human rights system.

16. The enormous number of States having to present reports meant that the workload of the treaty bodies was excessive and had resulted in delays. The system's functioning must be improved and its credibility preserved. The European Union therefore welcomed the measures taken to that end by the various committees, the High Commissioner for Human Rights and a number of United Nations bodies. It would like to see a simplification of procedures, greater interaction among the various human rights mechanisms, particularly the Commission on Human Rights, and the mobilization of additional financial resources with which to improve the system.

17. The States members of the European Union reiterated their firm intention to fulfil their obligations under the international treaties to which they were parties and they urged the other countries of the international community to do likewise. It was necessary to join forces in order to improve the system and achieve the full application of the principles set forth in the Universal Declaration of Human Rights and in the treaties which were their indispensable translation into law.

18. **Mr. Oda** (Egypt) said that while there was reason to be proud of the progress made and the awareness raised in the field of human rights at the international level, many of the internationally recognized norms and principles were still not being applied, even though everyone agreed that human rights were universal, indivisible and interrelated.

19. Economic, social and cultural rights, including the right to development, must receive the same attention as civil and political rights. The Vienna Declaration and Programme of Action, in addition to emphasizing the universal nature of human rights and the importance of international cooperation in that area, also referred to a very important principle which his delegation wished to underscore: promoting and safeguarding human rights was the responsibility of Governments. In its overall approach to human rights, his Government emphasized the following principles: firstly, the importance of avoiding the politicization of human rights and their use as a means of putting pressure on certain States or as a pretext for interfering in the domestic affairs of a particular State or for the purpose of achieving one's own political, economic or commercial ends. Secondly, no human rights policy should be based upon the application of a double standard or selective criteria. His delegation was profoundly concerned at the violation of the rights of the Palestinians in the occupied Arab territories, which blatantly violated the basic concept of "humanity" and international customs, norms and obligations. What was surprising and discouraging about that situation was that some States, for purely political reasons, were refusing to deal effectively with the worsening humanitarian situation in the occupied Arab territories or were simply ignoring it, an attitude which called into question their credibility and good intentions in dealing with human rights in general. Thirdly, it was necessary to bear in mind that there were many diverse cultures in the world and that, more than ever before, the international community needed to foster a high degree of tolerance and understanding among the various States and peoples, regardless of cultural, religious or ethnic differences.

20. Egypt's adherence to the principles and purposes of the United Nations were reflected both in its accession to some 19 international instruments and in the fact that it had brought its domestic law into line with the letter and the spirit of those instruments. Its Constitution and domestic legislation took account of the country's various treaty obligations, in order to avoid conflicts with those instruments while at the same time ensuring that the country's specific culture, religion and civilization were respected.

21. National non-governmental organizations played an important role in the promotion of human rights principles. Such organizations were among the most effective elements of Egypt's human rights system and played a fully recognized role in the protection and promotion of human rights at the national, regional and international levels. Lastly, like most developing countries, Egypt hoped to develop its democracy still further while maintaining a clear vision of human rights questions. While human rights centred on individual rights and freedoms, their purpose was also

to ensure the happiness, stability and well-being of the community.

22. **Mr. Sharma** (Nepal) said that Nepal had been meeting its international and domestic obligations alike, despite the serious difficulties which it faced as a newly democratic and poor country. In a globalized world, as the Prime Minister of Nepal had said at the Millennium Summit, democracy, development, justice, human rights and the rule of law had become a common cause of the global community. While the international community had been able to develop common standards and goals in the area of human rights for all of humankind, it was agonizing when one set of rights took precedence for some States while other rights were ignored. His delegation believed that political and economic rights were not mutually exclusive but in fact reinforced each other.

23. At times, developing countries might be unable to meet their human rights commitments owing to poverty or conflict and it was understandable that they should be criticized. What defied understanding, however, was that the very countries that criticized them should snub the treaty bodies when they were themselves accused of human rights violations. That gave the impression that the human rights mechanisms had been set up to chastise only the poor and the weak.

24. The principal obstacles to promoting human rights were illiteracy, disease and poverty in countries such as Nepal. The most fundamental of all rights was the right to life. While globalization and the technological revolution had held out the promise of freedom of choice, by being exclusive they had left out the poor. The conditions necessary to sustain life and develop options from which to choose must first be ensured.

25. All the global conferences of the 1990s had recognized that democracy, poverty eradication, social development and human rights, including the right to development, were cross-cutting issues that must be addressed together in order to improve the lot of human beings. The recent Millennium Summit had reaffirmed that same principle. Eliminating absolute poverty would in itself remarkably improve the human rights situation in most countries, and it would also have a salutary impact on efforts to promote peace and democracy.

26. It would be a gross injustice if human rights were secured at the expense of the world's children. Every effort must be made to ensure that children were not deprived of their right to enjoy the bounty of nature because of environmental damage. There was a need to explore the notion of environmental rights as a vital human rights issue.

27. After the Vienna Conference, which had called for the universal adoption of human rights treaties, the number of countries becoming parties to those treaties had increased notably. However, even core treaties such as the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment were still not universal. Nepal had become a party to 16 human rights instruments, including six core treaties, and fully supported the call by the High Commissioner for Human Rights to aim for universal ratification of all the core treaties by the year 2003. It also urged broader international ratification of the core of the International Labour Organization (ILO) conventions, including those concerning the protection of children's rights.

28. In addition to the ratification of treaties, domestic legal and institutional mechanisms needed to be put in place and effective implementation ensured in order to achieve the anticipated results. His Government had been taking vigorous measures in keeping with the provisions of international human rights treaties. For instance, it had enacted the Human Rights Commission Act 2054 and abolished capital punishment and had also recently established an independent Human Rights Commission. The private sector was being encouraged, through the promotion of good business practices, to play a strong role in promoting the human rights of both workers and consumers. Non-governmental organizations were being increasingly helped to raise human rights awareness at the grass-roots level.

29. It was the primary responsibility of States parties to implement the human rights provisions of global treaties. However, help was essential for those countries which lacked the experience and resources needed to fulfil that objective. That was where international cooperation became critical for achieving the goal of creating enlightened societies that were capable of complying fully with human rights norms.

30. International law should be constantly adapted to changing realities. That was why his Government recognized the importance of drafting additional

protocols with the aim of defining the precise context and reinforcing the provisions of various human rights treaties. In that context the adoption of two optional protocols to the Convention on the Rights of the Child, which Nepal had signed during the Millennium Summit, was a welcome step forward.

31. **Mr. Picasso** (Peru) said that, in recent decades, States had witnessed the constructive, rapid development of a set of both national and international principles, norms and provisions. During that process, the human person had been recognized as the central subject of society and the State. A jurisdictional and non-jurisdictional, legal and political, multilateral and bilateral system of protection could be seen to be taking shape, in which human rights were a necessary frame of reference for the relationship between State and individuals, something that was without precedent in the history of international relations. Starting with the Universal Declaration on Human Rights, and continuing with International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other important international instruments, a consensus had gradually emerged on issues of interest to all States and of high priority to the international community.

32. At the 1993 World Conference on Human Rights, new legal principles had emerged, such as poverty eradication and the dignity of the human person, and the possibility of achieving freedom had become a genuine reality. As a result of the 1986 Declaration, the right to development had achieved greater recognition, reflecting the debate between political and civil societies with different institutions and forms of representation, namely the developed and the developing countries.

33. Action to promote human rights should go beyond and not be limited to the creation of mechanisms for denouncing human rights violations. Efforts must be made to reduce the conditions of material inequality that prevented people from fully exercising their human rights within their respective societies. For that reason, Peru attached particular importance to the issue of human rights and extreme poverty, on which it would again present a draft resolution to the Third Committee at the current session.

34. With regard to international mechanisms and procedures for monitoring the human rights situation, his Government's conduct was based on transparency, dialogue and cooperation as fundamental principles for the effective protection of the human person. In Peru's own case, words had been backed by action, for instance with regard to cooperation. One clear demonstration of the Government's policy was the fact that it had hosted various authorities, including the Representative of the Secretary-General for internally displaced persons in 1995, the Special Rapporteur on the independence of judges and lawyers in 1996 and the Working Group on Arbitrary Detention in 1998. That policy had been demonstrated again in 2000 with the invitation addressed to the Special Rapporteur on freedom of opinion and expression. His Government paid heed to the thematic procedures and the resulting recommendations. In the context of human rights protection, cooperation meant making every effort to act on such recommendations. Since in Peru's case most recommendations had been linked to situations arising from the implementation of special legislation against the terrorist violence that had affected the country for more than a decade, it was understandable that such recommendations had helped to deal with certain situations and to adopt the necessary measures.

35. His delegation had seen fit to explain its position, because it felt that, in order to arrive at a consistent, overall view of the issue, it was necessary to have a full and comprehensive understanding of the circumstances existing within States and their respective societies. The big challenge facing the international community to achieve a convergence of political wills which while respecting differences, would permit genuine progress in the field of human rights.

36. **Mr. Reyes Rodriguez** (Cuba) expressed regret that, two years since the Secretary-General, as part of the reform process, had requested that the treaty bodies should be strengthened and their procedures and working methods streamlined very little had been done to put his request into practice. He was also concerned that the main inputs had come from academics in the industrialized countries. The process must be an open and participatory one to which all States Members of the United Nations could contribute; in other words, the intergovernmental nature of the process of reforming and consolidating the work of the treaty bodies must be respected.

37. His delegation agreed with the need to keep the work of the treaty bodies depoliticized and believed

that transparency was needed to ensure frank and fruitful dialogue between States parties and treaty bodies. It was in favour of using all sources of information on the human rights situation in a given country, but felt that such sources must be available to all interested parties, including the State party about which information was being provided.

38. The application of many human rights instruments required not only national efforts and policies but also substantial international cooperation. The Committee on Economic, Social and Cultural Rights could monitor the of developed countries, fulfilment of their commitments with regard to the provision of resources for official development assistance, which was fundamental for ensuring the full enjoyment of all human rights throughout the world.

39. His delegation was concerned about the continuing difficulties in ensuring the equitable geographical representation of all regional groups in the treaty bodies, as exemplified by the Committee on the Elimination of Racial Discrimination, where all the countries of the Group of Western European and Other States had been elected, to the detriment of representatives from other regions. It was also important to pursue a dialogue between the representatives of States parties and the Chairpersons of treaty bodies, and his delegation supported the idea of devoting a whole day to such discussions.

40. **Mr. La** Yifan (China) said that countries' different circumstances must be respected and that how human rights were promoted, protected and achieved depended on economic development, political structures, cultural patterns, historical traditions and religious beliefs. Such considerations should be taken into account when considering reports, and States parties should be encouraged to comply with human rights treaties, while taking due account of their specific circumstances and adopting specific measures.

41. It was also necessary to ensure that materials and sources were reliable and trustworthy. In the information age, all kinds of materials were available, and the treaty bodies must make sure that the information provided was correct in order to ensure that unfounded political allegations were not made.

42. His delegation believed that the technical and legal nature of the work of the treaty bodies' work and the fact that their recommendations were based on their members' expertise, were very important for helping States parties to act as mandated by those treaties, provided that sovereignty and the principle of non-interference in the internal affairs of States were respected. His Government had always attached great importance to cooperation with regard to the human rights conventions and had always fulfilled its obligations in that regard. It would respond energetically to the Secretary-General's call for more countries to accede to and ratify the international human rights treaties, as could be seen from the fact that China's legislative branch was considering the International Covenant on Economic, Social and Cultural Rights, which it expected to ratify as soon as possible.

The meeting rose at 4.30 p.m.

United Nations A/C.3/55/SR.32

General Assembly
Fifty-fifth session

Official Records

Distr.: General
16 November 2000

Original: English

Third Committee

Summary record of the 32nd meeting
Held at Headquarters, New York, on Tuesday, 24 October 2000, at 10 a.m.

Chairperson: Ms. Gittens-Joseph ..... (Trinidad and Tobago)

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00-70620 (E)

The meeting was called to order at 10.20 a.m.

Agenda item 112: Elimination of racism and racial discrimination (*continued*) (A/C.3/55/L.24)

Draft resolution A/C.3/55/L.24: International Convention on the Elimination of All Forms of Racial Discrimination

1. **Mr. El Khadraoui** (Belgium), introducing draft resolution A/C.3/55/L.24 on behalf of the sponsors, said that Poland had also become a sponsor. The International Convention on the Elimination of All Forms of Racial Discrimination was still the international community's foremost reference in its fight against racism. The operative part of the draft resolution consisted of three sections. Section I drew attention to the contributions by the Committee on the Elimination of Racial Discrimination to the preparatory process for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and encouraged all States and relevant organizations to draw attention to the Convention, to the Committee's work leading up to World Conference, and to the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance. In section II, States parties to the Convention were strongly urged to accelerate ratification of the amendment on financing the Committee, so as to allow the Committee to be financed from the United Nations regular budget. In section III, States that had not yet become parties to the Convention were urged to ratify or accede to it as soon as possible. He hoped that, as in the past, the draft resolution would be adopted without a vote.

Agenda item 113: Right of peoples to self-determination (*continued*) (A/C.3/55/L.22)

Draft resolution A/C.3/55/L.22: Universal realization of the right of peoples to self-determination

2. **Mr. Bhatti** (Pakistan), introducing draft resolution A/C.3/55/L.22 on behalf of the sponsors, said that Bosnia and Herzegovina, Iraq, Togo and Yemen had also become sponsors. The right of peoples to self-determination had been reaffirmed in the Millennium Declaration as one of the fundamental values and principles for the twenty-first century. The text of the draft resolution was the same as that of General Assembly resolution 54/155, except for the incorporation of references to the latest resolutions of the General Assembly and the Commission on Human Rights, and he hoped that, as in the previous years, it would be adopted without a vote.

Draft resolution A/C.3/55/L.23: Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

3. **Ms. De Armas García** (Cuba), introducing draft resolution A/C.3/55/L.23 on behalf of the sponsors, said that the Russian Federation had also become a sponsor. National sovereignty and the right of every people to self-determination were the pillars of the international legal order and the United Nations system, but were under threat from new, dangerous forms of mercenary activities. Such activities were a threat to the lives, security and human rights of people living in a peaceful country, and were often akin to terrorist acts in their indiscriminate effects.

4. Two new elements had been introduced into the draft resolution as compared with previous years: it recommended that the Commission on Human Rights should renew the mandate of the Special Rapporteur on the use of mercenaries, and strongly urged the Office of the United Nations High Commissioner for Human Rights to convene a workshop on the traditional and new forms of mercenary activities. On the basis of information received from the Office, she was hopeful that the workshop would take place early in 2001.

Agenda item 114: Human rights questions (*continued*) (A/55/3, A/55/280 and Add.1 and 2, A/55/296 and Add.1, A/55/133-S/2000/682, A/55/309, 310, 375 and 473; A/C.3/55/4)

(a) Implementation of human rights instruments (*continued*) (A/55/40, 44, 178, 204-206, A/54/805, A/55/207, 208, 278, 290 and 313, and A/55/438-S/2000/931)

5. **Mr. Naess** (Norway), speaking also on behalf of Australia, Canada, Chile and New Zealand, said that the human rights-treaty bodies played a crucial role as guardians of the treaty-implementation system, but a mounting workload and lack of resources raised doubts about their ability to function effectively. The work of the Independent Expert on enhancing the long-term effectiveness of the United Nations human rights-treaty system, the recommendations that had come out of the annual meetings of the chairpersons of the treaty

bodies and the increasing contribution of the specialized agencies and other organizations were all steps in the right direction. However, there was still a need to take concrete steps to improve the functioning of the treaty bodies. Reports to the treaty bodies should be shorter and more focused and every effort should be made to coordinate their work. Pre-sessional working groups and panels could be used to expedite consideration of periodic reports and individual communications, and plans of action could increase the efficiency of some treaty bodies. More resources should be made available to the Office of the High Commissioner for Human Rights from the core budget to reflect its central role in the promotion and protection of human rights. States parties, the specialized agencies and other organizations should provide technical assistance to ratifying States, for example, by helping a non-reporting State to write its initial report and appear before the relevant committee.

6. There were welcome signs of growing cooperation and information-sharing among the treaty bodies, and between the treaty bodies and other human rights mechanisms, including through the use of databases. However, the treaty bodies needed to use all sources of information, cooperate even more closely and draft concluding observations that gave practical guidance to the ratifying State. Such a strengthened treaty-body system could help prevent human rights violations before they reached large-scale proportions.

7. **Mr. Palouš** (Czech Republic) said that, in an interconnected and globalized world, human rights violations were the concern of all who subscribed to the internationally accepted norms for their protection. While respecting the diversity of traditions around the world, his Government sought to be open and dynamic in defending the principles of the universality and indivisibility of human rights. A few weeks earlier, in that spirit of openness, it had extended to the High Commissioner for Human Rights a standing invitation for thematic rapporteurs and other mechanisms of the Commission on Human Rights to visit the Czech Republic. Thematic and country-specific rapporteurs and working groups needed to be given the opportunity to cooperate as widely as possible, since openness to criticism was the first step towards improving the protection of human rights.

8. One of the priorities of Czech foreign policy was to take part in the international legislative process and the monitoring of existing international instruments. His Government had contributed to the drafting of the Declaration on Human Rights Defenders, and welcomed the appointment of the Special Representative of the Secretary-General on Human Rights Defenders. In general, it tried to defend all those whose fundamental rights were at risk, and, with that in mind, put special emphasis on improving communications between Governments and between governmental and non-governmental institutions.

9. The finalization and opening for signature of the two optional protocols to the Convention on the Rights of the Child on the involvement of children in armed conflicts and on the sale of children, child prostitution and child pornography, respectively, marked an important step in the international legislative process. President Havel had signed the first of those texts earlier in the year and the Czech Republic would begin the ratification procedure in the near future. It hoped to sign and ratify the second protocol before the holding of the special session on the follow-up to the World Summit for Children in 2001.

10. The Czech Republic was grateful for the achievements of the Secretary-General's Special Representative for Children and Armed Conflict and for the Canadian Government's recent holding of the International Conference on War-Affected Children. It unreservedly supported the recommendations of the Special Representative and of the Conference and hoped that Member States would take action to ensure their speedy and broad implementation.

11. The early completion of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment was indispensable. All States participating in the drafting of the text should intensify their efforts to reach a consensus.

12. The Czech Republic had been one of the first Member States to sign the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. The process of ratification was under way and was likely to be completed by the end of 2000.

13. The Czech Republic had recently issued a declaration, pursuant to article 14 of the Convention on the Elimination of All Forms of Racial Discrimination, which should widen protection of human rights for all persons under its jurisdiction.

14. An important challenge, requiring a constitutional amendment, was the ratification of the Statute of the International Criminal Court. The international community should accord priority to making the Court operational, although admittedly constitutional amendments could slow down the process.

15. The efficiency and fairness of international human rights mechanisms could contribute substantially to the peaceful transformation of the world, enabling mankind to cope with the challenges of the new century. Reform of the United Nations was the core task in that context. The Czech Republic was committed to supporting reform and would use its resources and abilities to that end.

16. **Mrs. Aragon** (Philippines) welcomed the efforts of the Secretary-General and the United Nations High Commissioner for Human Rights (A/55/205) to accord priority to the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

17. The issue of migrant workers was of paramount importance, given their significant contribution to the development of sending and receiving States and to the creation of multicultural societies.

18. Just as the reasons for migration had little changed over the centuries, so too the problems associated with the phenomenon tended to repeat themselves, albeit in modern form. The emergence of highly-organized groups profiting from illicit traffic in migrant workers was a major concern.

19. The number of older persons in the world was expected to triple by 2050. Migration to developed countries was projected to rise as pressures grew to replace ageing populations in those countries and compensate for rapidly falling fertility rates.

20. As the importance of migrant labour in the international community increased, vulnerable groups such as women were more likely to be victims of abuse. The Philippines therefore viewed with particular importance resolutions that sought to promote and protect the rights and dignity of migrant workers, particularly women. Accordingly, it would once again co-sponsor the draft resolution introduced by Mexico under that item.

21. The Philippines placed high priority on the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and welcomed all efforts to protect migrant workers, including the "Human Rights Strengthening" programme of the Office of the High Commissioner for Human Rights and the United Nations Development Programme (UNDP) (A/55/205, para. 5). It also appreciated the activities of the International Steering Committee of the Global Campaign for Ratification of the Convention on the Rights of Migrants, and the holding of a round table on that theme during the fifty-sixth session of the Commission on Human Rights (ibid., para. 6). The contribution and commitment of society to the promotion and protection of the rights of migrant workers and their families should also be recognized and encouraged.

22. Despite a number of positive developments, the Philippines was disappointed by the slow progress on the entry into force of the Convention, particularly in light of the need to ensure protection of vulnerable groups. Her delegation appealed to States which had not done so to sign and ratify or accede to the Convention.

23. **Mr. Chakraborty** (India), recalling the history of the Bill of Rights negotiations during the first session of the Commission on Human Rights in 1947, stressed that countries had on that occasion overcome their constraints and spoken with one voice about the rights of humanity. The resulting treaties had become the basis for expressing common concern about peoples.

24. The prevailing trend towards using human rights instruments for political purposes was therefore regrettable. The deliberate confusion of symptoms of underdevelopment in developing countries with human rights violations did little to enhance international credibility or facilitate wider acceptance of treaty bodies and protocols. The tendency to downplay economic, social and cultural rights or not to recognize collective rights while overemphasizing civil and political rights had created an imbalance in the application of human rights treaties. Since human rights were indivisible and interrelated, treaty bodies should address democracy, development and human rights in an integrated manner.

25. In the light of the vital importance of effective and coordinated implementation of international human rights instruments, the efforts of various treaty bodies to attain an integrated and balanced administration of rights was particularly welcome. While the Office of

the High Commissioner for Human Rights was to be praised for its active promotion and protection of human rights, India was puzzled by the Office's efforts to develop indicators and benchmarks to assess the realization of human rights, including political and civil rights (A/55/206, para. 54). Although reassured that the initiative did not aim at ranking or reprimanding countries, India was nonetheless convinced that the Office's resources and time should not be spent on such activities when the implementation and promotion of rights enshrined in treaties deserved greater attention.

26. The Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment was to be commended for drawing attention in his report (A/55/290) to the links between torture and poverty. As long as societies and the international community failed to address the problems of the poor, marginalized and vulnerable, they would be contributing indirectly to the vicious cycle of brutalization. In that regard, a shadow had been cast over the work of the United Nations Voluntary Fund for Victims of Torture (A/55/178) by the Fund's financing of organizations that believed in terror and armed conflict as a means to attain political ends. The Fund's failure to mend its ways was a matter for regret.

27. The status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (A/55/204) was lamentable. While millions had been pledged to the Fund for Victims of Torture, the question of slavery had received scant attention.

28. The faith which developing countries had placed in the Organization's ability to achieve freedom, equality and dignity for all had been eroded over the years. Unless the trend was reversed and the balance towards human rights promotion restored, universal implementation of the treaties would remain a dream.

29. **Mr. Melenevsky** (Ukraine) said that universal ratification of the six core United Nations human rights treaties was the best possible foundation for international efforts to promote respect for human rights. His delegation strongly supported the efforts of the Office of the United Nations High Commissioner for Human Rights (A/55/36, annex) to achieve that goal by 2003. While progress already achieved suggested the goal to be a realistic one, ratification was only the first step: consistent national efforts to observe the standards enshrined in human rights treaties were essential.

30. Ukraine had made substantial progress towards recognizing international standards for the protection of human rights, including through changes to its national laws. While it had always viewed the reporting procedure as a key part of the monitoring mechanism, the time taken for consideration of reports and communications could jeopardize the long-term effectiveness and credibility of the treaty bodies. The steps taken by the Secretary-General and the High Commissioner for Human Rights to address that problem were therefore welcome.

31. With regard to implementation, Ukraine favoured the elimination of the requirement for comprehensive periodic reports in their present form and their replacement by reporting guidelines tailored to each State's individual situation. The reports should be shorter and more focused, concentrating on significant new developments, subjects of interest and concerns identified by the treaty bodies. Special attention should also be given to monitoring the way in which Governments treated the recommendations of treaty bodies and the conclusions of special rapporteurs. Close cooperation between the treaty bodies and special-procedures mandates was also necessary. The joint meeting of chairpersons in Geneva in June 2000 had been a welcome step in that regard.

32. Ukraine greatly appreciated the special-procedures system as one of the main elements of the United Nations human rights programme. Recognizing that special rapporteurs often worked in extremely difficult circumstances, Ukraine had traditionally sponsored resolutions relating to the security of United Nations personnel. However, it was unacceptable for special rapporteurs to use uncorroborated or outdated information in their reports. The Special Rapporteur on religious intolerance had made a number of groundless accusations concerning the situation in Ukraine. While Ukraine was always open to constructive dialogue with special rapporteurs and was willing to provide exhaustive information on issues of concern, it needed firm evidence to support accusations.

33. Ukraine welcomed the work done by the inter-sessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission on Human Rights. In particular, it supported the group's recommendations (Commission decision 2000/109)

concerning rationalization of existing mandates, urgent responses and the work of the Subcommission on the Promotion and Protection of Human Rights.

34. Ukraine would also welcome a more comprehensive approach to the 1503 procedure (Commission decision 2000/110), which continued to be a valuable channel for bringing concerns to the attention of international human rights mechanisms. The efficiency of the procedure should be enhanced, since there was much evidence that communications which ought to be considered pursuant to the procedure under the Optional Protocol to the International Covenant on Civil and Political Rights were being considered under the 1503 procedure.

35. One solution was to avoid the extreme politicization of human rights, a phenomenon which did not facilitate the practical task of improving the human rights situation in various countries. The international community should definitively abandon that practice, since it ran counter to real policy imperatives.

36. While significant progress had been achieved in the quest for full enjoyment of human rights, much work remained to be done. The international community should continue to look for new ideas and ways to prevent the most odious human rights violations and to strengthen the role of United Nations bodies in that domain.

The meeting rose at 11.05 a.m.